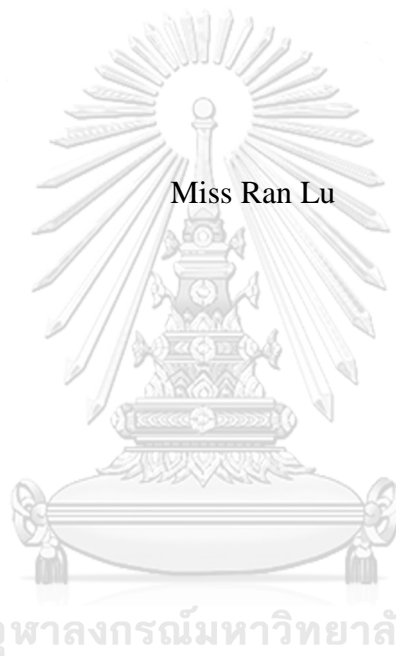


The European Union(EU) as a global actor ---
Internationalisation of EU fisheries policy and its impact on third countries:
Case study of Thailand



Miss Ran Lu

บทคัดย่อและแฟ้มข้อมูลฉบับเต็มของวิทยานิพนธ์ตั้งแต่ปีการศึกษา 2554 ที่ให้บริการในคลังปัญญาจุฬาฯ (CUIR)
เป็นแฟ้มข้อมูลของนิสิตเจ้าของวิทยานิพนธ์ ที่ส่งผ่านทางบัณฑิตวิทยาลัย

The abstract and full text of theses from the academic year 2011 in Chulalongkorn University Intellectual Repository (CUIR)
are the thesis authors' files submitted through the University Graduate School.

A Thesis Submitted in Partial Fulfillment of the Requirements
for the Degree of Master of Arts Program in European Studies
(Interdisciplinary Program)
Graduate School
Chulalongkorn University
Academic Year 2017
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สหภาพยุโรป (อียู) ในบทบาทระดับโลก --- สากลวิวัฒน์ของนโยบายด้านการประมง
ของสหภาพยุโรป และผลกระทบต่อประเทศที่สาม กรณีศึกษาสำหรับประเทศไทย



วิทยานิพนธ์นี้เป็นส่วนหนึ่งของการศึกษาตามหลักสูตรปริญญาศิลปศาสตรมหาบัณฑิต
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รัน หลู : สหภาพยุโรป (อียู) ในบทบาทระดับโลก --- สากลวิวัฒน์ของนโยบายด้านการประมงของสหภาพยุโรป และผลกระทบต่อประเทศที่สาม กรณีศึกษาสำหรับประเทศไทย (The European Union(EU) as a global actor --- Internationalisation of EU fisheries policy and its impact on third countries:Case study of Thailand) อ.ที่ปรึกษาวิทยานิพนธ์หลัก: รศ. ดร.ชโยดม สรรพศรี, อ.ที่ปรึกษาวิทยานิพนธ์ร่วม: ดร.อาจารย์ฉัตรมาส, 44 หน้า.

แนวคิดเรื่องการบริหารจัดการทรัพยากรทางทะเลระดับสากล โดยเฉพาะอย่างยิ่งการจัดการปกครองด้านการประมง ถือว่ามีใช้เรื่องใหม่ ตั้งแต่หลังสงครามโลกครั้งที่สอง ได้มีกฎระเบียบและมาตรการเชิงปฏิบัติในด้านนี้เกิดขึ้นมากมาย โดยส่วนมากผ่านองค์การสหประชาชาติ (ยูเอ็น) องค์การด้านอาหารและการเกษตร (เอฟ เอ ไอ) และรวมทั้งองค์กรระดับภูมิภาคต่างๆ จากการวิเคราะห์ในแนวดิ่ง สหภาพยุโรปในบทบาทระดับโลกได้ซึมซับและนำกฎระเบียบสากลต่างๆ เหล่านั้นมาปรับใช้ในยุโรป ด้วยการตอบรับจากทฤษฎี experimentalist governance[1] และจากนั้นก็ส่งต่อแนวความคิดที่เป็นแบบยุโรปหรือ “Europeanized” ไปสู่เวทีสากล ในขณะที่เดียวกัน หากวิเคราะห์ในแนวนราบ สหภาพยุโรปก็ส่งออกแนวทางตามแบบของสหภาพยุโรปไปยังประเทศที่สามด้วย วิทยานิพนธ์ฉบับนี้เน้นการศึกษามหาสมุทรของสหภาพยุโรปในระดับสากล ในด้านที่เกี่ยวข้องกับนโยบายการประมง โดยจะวิเคราะห์กฎระเบียบของสหภาพยุโรปว่าด้วยการทำประมงที่ผิดกฎหมาย ขาดการรายงาน และไร้การควบคุม (ไอยูยู) และผลกระทบต่อประเทศที่สาม คำถามหลักในการดำเนินการวิจัย มีดังนี้

- ในช่วงทศวรรษที่ผ่านมา (ค.ศ. 2008-2018) นโยบายใดบ้างที่สหภาพยุโรปนำมาใช้ในการเผยแพร่และส่งออกอิทธิพลของตนในอุตสาหกรรมการประมงในระดับสากล

- เครื่องมือใดบ้างที่สหภาพยุโรปใช้ในการมีอิทธิพลต่อนโยบายการประมงของประเทศที่สาม เพื่อเปลี่ยนแปลงพฤติกรรมที่สหภาพยุโรปมองว่ายอมรับไม่ได้

- ผลที่ตามมาจากการเข้าไปแทรกแซงของสหภาพยุโรปคืออะไร สหภาพยุโรปประสบความสำเร็จหรือไม่ ประเทศที่สามตอบสนองอย่างไร และอะไรคือวัตถุประสงค์ที่แท้จริงของนโยบายและมาตรการดังกล่าวของสหภาพยุโรป

เพื่อหาคำตอบสำหรับคำถามข้างต้น กรณีศึกษาเกี่ยวกับประเทศไทยได้ถูกนำมาศึกษา และวิทยานิพนธ์ฉบับนี้ได้้นำแนวทางจาก 2 ทฤษฎี ได้แก่ ทฤษฎีอำนาจด้านตลาดของยุโรป (Market Power Europe - MPE) และทฤษฎีอำนาจด้านการวางกฎเกณฑ์ (Normative Power Europe - NPE) มาปรับใช้เพื่อเจาะลึกถึงสาระสำคัญของกรณีศึกษา

สหภาพยุโรปในบทบาทระดับโลกสามารถใช้ระเบียบไอยูยูได้กับประเทศที่สาม และผลกระทบต่อประเทศที่สามว่าหนักเพียงใดนั้น ขึ้นอยู่กับอัตราการพึ่งพาการส่งออกไปยังตลาดสหภาพยุโรป ในกรณีการศึกษาของประเทศไทย พบว่าไทยต้องปฏิบัติตามไม่เพียงแต่ระเบียบไอยูยูแต่ยังต้องทำตามการปกป้องสิทธิของแรงงานอีกด้วย ข้อเสนอแนะคือ ประเทศที่สามควรจะทำความร่วมมือกับสหภาพยุโรป ภายใต้พื้นฐานความเป็นธรรม เพื่อจัดปัญหาที่จะเกิดจากระเบียบไอยูยู

สาขาวิชา ยุโรปศึกษา

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6087566020 : MAJOR EUROPEAN STUDIES

KEYWORDS: EU; IUU REGULATION; THAILAND; MPE; NPE

RAN LU: The European Union(EU) as a global actor --- Internationalisation of EU fisheries policy and its impact on third countries:Case study of Thailand. ADVISOR: ASSOC. PROF. CHAYODOM SABHASRI, Ph.D., CO-ADVISOR: AJAREE TAVORNMAS, Ph.D., 44 pp.

The concept of global management of marine resources, especially fisheries governance is not a radically new topic. After World War II, mainly through the UN, FAO and increasing regional institutions, regulatory and implementing mechanisms began incrementally forming. The EU, as a global actor, vertically, absorbed these universal regulations with feedback from its experimentalist governance[1] and then uploaded its “Europeanized” ideas to the international arena, meanwhile, horizontally, externalizing the EU model to third countries. This thesis will focus on the role of the EU as an international actor in the field of fisheries policy by analyzing the IUU (illegal, unreported and unregulated) fishing regulation and its impact on third countries, by researching the following questions:

During last decade(2008-2018), what policies have been adopted by the EU to externalize its influence on the fisheries industry globally?

What instruments have been employed by the EU to influence the fisheries industry of third countries to change their unacceptable behaviors defined by the EU?

What are the consequences of the EU’s intervention? Has the EU been successful? And what responses have there been from third countries? What are the real objectives behind the EU’s policies and measures?

To fully answer these questions, a case study of Thailand will be introduced and two theoretical concepts used: Market Power Europe (MPE) and Normative Power Europe (NPE) to delve into the essence of the case.

EU as a global actor may impose the IUU regulation on the third countries and the severity of its impacts depends on those countries’ degree of dependency of the fisheries export to EU market. Refer to Thailand as a case study, Thailand eventually had to comply with not only IUU policy but also labor right protection. The recommendation for the third countries are to cooperate with the EU on the fair basis to eliminate any problem that may arise due to IUU regulation.

Field of Study: European Studies

Academic Year: 2017

Student's Signature

Advisor's Signature

Co-Advisor's Signature

ACKNOWLEDGEMENTS

Without the members of my thesis committee's guidance and support, which steered me in the right direction throughout all stages of the thesis, the thesis couldn't be completed. First of all, I want to express my sincere gratitude to my adviser Professor Chayodom. He gave me many valuable suggestions ranging from interview questions to the content of the thesis. He also spent a lot of time to help contacting interviewees and even accompanied me to conduct interviews. His encouragements supported me not only when doing my thesis but also when I was in down mood in abroad.

The same appreciation goes to my co-adviser Dr. Ajaree, who not only instructed me all the way but also offered quite useful materials for the analyzing and writing. And she even helped me to translate the abstract part in Thai herself.

Besides my adviser and co-adviser, I would also like to thank the rest of my thesis committee: Professor Natthanan and Dr. Alan, for their insightful comments, instructive advice and expert guidance.

My special thanks give to all my interviewees in the thesis who don't want to show names in Bangkok and in Brussels and Professor Chayodom's assistant Dr. Nath, who helped to download the data of Global trade atlas.

I have been in Bangkok about one year now. During this year I also got a lot of help and support from all the staff of my program, my professors and classmates so I also feel grateful to all of them.

Last but not the least, I would like to thank my parents, who always support my studies and pursuits.

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CHAPTER 1 INTRODUCTION

This chapter is going to introduce the background, the research questions, the objectives and the benefits of the research.

1.1 Background and Statement of the Problem

Since 1940s, the wills and callings of good management of global marine resources, especially sustainability and conservation of fisheries, are increasingly prominent. For this goal, various international laws, declarations, multilateral agreements and plans came into force. The EU, as a global actor, also added the goal into its latest Common Fisheries Policy. However, to ensure the goal, what consists its fisheries policy system and how these elements function inside and outside the EU still need to be explored.

IUU fishing, as one of the biggest problems, is extremely against the goal at the same time damaging fair trade and biological and environmental protection., which already stimulated a lot of condemnations worldwide and a series of countermeasures as well. The EU has established a community (IUU Regulation) to combat IUU fishing within its waters meanwhile banning all illegal fishery products to enter into its market. In doing so, the EU introduced “IUU card scheme” to eliminate IUU fishery products from third countries in its market. During this procedure, 24 countries and Taiwan have been involved into the scheme. Some of them were delisted soon. Several ones updated into the “black list” of boycotting their fishery products by the EU. And the rest are still on the EU “warning” procedure. Undoubtedly, their different results are determined by their cooperating level with the EU to eliminate IUU fishing in their fisheries industries. However, what lead to their distinct cooperating levels on the EU IUU card scheme, or in other words, why they have different choices when facing the warnings from the EU, is a question.

Further, assuming a country got the EU IUU card, what impact will bring to this country if it decides to cooperate with the EU to combat IUU fishing is still uncertain.

Along with all those doubts, the thesis will use three main body parts to find answers: the EU fisheries policy review, the EU fisheries market for third countries and a case study of Thailand.

1.2 Research Questions

A. During last decade (2008-2018), what policies have been adopted by the EU to externalize its influence on the fisheries industry globally?

B. What instruments have been employed by the EU to influence the fisheries industry of third countries to change their unacceptable behaviors defined by the EU?

C. What are the consequences of the EU's intervention? Has the EU been successful? And what responses have there been from third countries? What are the real objectives behind the EU's policies and measures?

1.3 Research Objectives

To analyze the EU's role as a global actor in the field of fisheries policy and the extent to which the EU has been successful in extending its power to the international arena in the field particularly through exporting its IUU Regulation to third countries.

To analyze the impact of the IUU Regulation in third countries and to pose an assumption if MPE is valid to get immediate response from third countries to change their behaviors but for sustaining the influence and even reaching finally total internalization of those norms, NPE has an edge to affect. In this regard, the thesis will give a focus in the case study of Thailand as an example.

1.4 Research Benefits

A. Understanding the model of the EU's fisheries policy horizontally and vertically is useful for other regional organizations and third countries to improve their own fisheries systems.

B. Learning the reasons of different responses from the third countries who got the EU IUU fishing card is good for the EU to enhance the effectiveness of its measures.

C. Gauging the impact of the EU IUU Regulation in third countries is significant. For the EU, it is helpful to evaluate the extent of success to extend its influence in third countries so as to adjust its measures if necessary. Meanwhile, it also provides implications and experience for other third countries who concern to trigger the EU IUU card scheme and predict what outcome it will bring in order to prepare effectively in advance.

CHAPTER 2 LITERATURE REVIEW & METHODOLOGY

Over exploitation of fish stocks, overcapacity of fishing, increasing demand of fishery products, deeper commercial globalization etc. are enhancing people's awareness and concerns to meditate the sustainability of fisheries, which greatly stimulating the theme of global management or governance of fisheries.

2.1 Brief History of Fisheries Management

Fishing emerged very early. According Nicolson¹, as early as 3500 B.C., there were copper and bronze fishing hook in Mesopotamia.

As for fisheries management, following Caddy and Cochrane²'s description, prior to industrial revolution, fisheries management was characterized by coastal communities, like "Prud'homies" in France and "Cofradias" in Spain, which set up regulations to protect resources and ensured fair allocation of resources as well as the fishing territory. No matter good or bad, fisheries managed basically sustainable as lack of advanced technology during this period. The advent of large motorized fishing vessels followed industrial revolution facilitated the market economy for fish and the situation shifted the decision-making center from coastal communities to business communities, banks, cities and central government. Globally, most European colonies claims freedom of seas in order to plundering natural resources. During this period, however, many regulations established to protect the quality of products other than biological or sustainable considerations.

After Second World War, from 1945 to 1958, authors called "Construction and Reconstruction" period, which saw the UN International Overfishing Conference and the first FAO (Food and Agriculture Organization) Technical Committee defined the main problems in fisheries: overcapacity, overfishing, the lack of data for management of resources on the high seas.

From 1959 to 1972, discussions mainly focus on high seas fisheries, including the second meeting of UNCLOS, the UN Convention on Fishing and Conservation of Living Resources of the High Seas.

"Modern development of fisheries" began from 1973 to 1982. The failure of fisheries management, over-capitalization, subsidies and economic inefficiency, problems related to open access fisheries, and the need for precautionary management were discussed on 1973 FAO Technical Conference on Fishery Management and Development. In 1982, UNCLOS III enacted exclusive economic zone (EEZ). And the Law of the Sea (LOS) provided the legal framework for countries to manage their socks.

Increasing concern for environment and sustainability was the key feature of the period from 1983 to 1992. 200 miles EEZ had not solved countries problems completely and little use for improvement of resources worldwide. Environmental lobbies, the public and the media became the growing roles in the sector. In 1992 the UN Conference on

¹ James Nicolson. *Food from the Sea*. London: Cassell, 1979.

² Caddy, John F., and Kevern L. Cochrane. "A review of fisheries management past and present and some future perspectives for the third millennium." *Ocean & coastal management* 44:9-10 (2001): 653-682.

Environment and Development (UNCED) in 1992 led to the adoption of Agenda 21, which has profound influence for fisheries management.

A series of important international steps towards to improve global fisheries management were enforced during 1993 to 2000, including Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement, came into force in 1994), the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement, 1993) and the FAO Code of Conduct for Responsible Fisheries (FAO, 1995)³. In addition, since 1995, important instruments could also see Laxe et al.⁴ who summarized: United Nations Agreement relating to preservation and regulation of the populations of transzonal fish and those highly migratory ones (New York, 1995), Agreement on Biological Biodiversity (Jakarta Mandate, 1995), Conference on Responsible Fisheries in the Marine Ecosystem. FAO/Iceland (Reykjavik Declaration, 2001), International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO/INDUR,2001), World Conference on Deep Sea Fishing (2003), two extremely important documents of FAO: A blueprint for Ocean and Costal Sustainability (2011) and Green Economy in a Blue World (2012), Agenda 2030 for Sustainable Development of the United Nations (the United Nations Sustainable Development Summit,2015).

Evidently, after World War II, international instruments feature in driving global fisheries scenario mainly through multilateral agreements, conventions, declaration and plans to reach a consensus. Meanwhile critical aspects of the content could be figured out from the following.

2.2 Key Words of Global Fisheries Management

Sustainability, as the keystone of international resources management, could date back to Brundtland and Khalid⁵, who coined the term “sustainable development” for the first time, focusing on three pillars: the *environmental*, the *social* and the *economic* ones. These three pillars are also mentioned repeatedly by later authors when referred to fisheries management.

Caddy and Cochrane⁶ indicated that difficulties like social and economic demand sometimes overrides sustainable utilization of resource, some food webs are too complex to manage, and limited power of international fisheries commissions weakens implementing results etc. consist the intractability from technology level and implementing level. Curtin and Prellezo⁷ also considered a rebalancing act of economic and societal objectives is critical to implement ecosystem based management successfully. “the goal of rebuilding fish stocks and degraded ecosystems does not only

³ Ibid.

⁴ Laxe, Fernando González, et al. "Governance of the fishery industry: A new global context." *Ocean & Coastal Management* 153 (2018): 33-45.

⁵ Brundtland, Gro Harlem. *Report of the World Commission on environment and development: "our common future"*. United Nations, 1987.

⁶ Op. cid..

⁷ Curtin, Richard, and Raúl Prellezo. "Understanding marine ecosystem based management: a literature review." *Marine Policy* 34.5 (2010): 821-830.

have to be done for moral reasons but also because rebuilt stocks will allow larger harvests of fish and possibly feed bigger populations in the future.” Similarly, Charles’ “paradigm triangle” (conservation, rationalization and social-community) reflected the interactions and partially conflict sometimes of these three aspects among fisheries management policies.⁸ Despite these similar ones, others also used related key words, for instance, Botsford et al.⁹ have called for the need to expand the scope of fisheries management to include aspects of *economics and political science*. And for Agüero¹⁰, governance is a systemic process related to the exercise of *economic, political and administrative authority*; in which the fundamental principles and objectives have to be established.

Another significant aspect is “*precautionary principle*” as an indispensable part on implementing chain and an achievement of international management as well.¹¹

Other aspects could also be noticed like Barnes and McFadden mentioned *boundaries*, which can be ecological, managerial or geopolitical and so, are very important to set the management regime at corresponding levels, transnational scale ecosystems needing international cooperation.¹² And *ecosystemic principles* were mentioned by Laxe et al.¹³ and Curtin and Pallezo¹⁴.

In a word, to achieve sustainable global fisheries development, environmental, economic, social and spacial as well as temporal coordination are the crux of the matter.

2.3 The EU’s Role

At international institutional level, organizations like UN, FAO and regional fisheries institutions play a salient part.

As an international actor among them, that the EU plays what kind of role could refer to the book edited by Zeitlin in 2015¹⁵, who described the EU’s managerial form as experimentalist governance within and beyond the EU, by which the EU extends its rules, norms, standards, and governance processes actively outward to third countries and upward to international institutions such as UN, WTO to name but a few. At the end of the book, the author gave an invoking conclusion that “the EU is most successful in promoting transnational experimentalism to third countries through ‘horizontal’ channels: unilateral, bilateral, and occasionally plurilateral. By contrast, the book’s findings suggest that the EU is typically less successful in uploading its internal experimentalist governance processes to international organizations and multilateral bodies through ‘vertical’ channels. But the book also shows that the EU’s unilateral efforts to extend experimentalist governance horizontally often interact in complex,

⁸ Charles, Anthony T. "Fishery conflicts: a unified framework." *Marine Policy* 16.5 (1992): 379-393.

⁹ Botsford, Louis W., Juan Carlos Castilla, and Charles H. Peterson. "The management of fisheries and marine eco systems." *Science* 277.5325 (1997): 509-515.

¹⁰ Agüero, Max. *Review of the state of world marine capture fisheries management: Pacific Ocean*. No. 488. Food & Agriculture Org., 2007

¹¹ Caddy, op. cid. and Curtin, op. cid..

¹² Barnes, Cassandra, and Katherine W. McFadden. "Marine ecosystem approaches to management: challenges and lessons in the United States." *Marine Policy* 32.3 (2008): 387-392.

¹³ Laxe, op. cid..

¹⁴ Curtin, op. cid..

¹⁵ Zeitlin, Jonathan, ed. "Introduction: theoretical framework and research agenda". *Extending Experimentalist Governance?: The European Union and Transnational Regulation*. OUP Oxford, 2015: pp.1-22.

mutually supportive ways with multilateral institutions, thereby contributing to the development of promising hybrid pathways towards transnational experimentalism.”¹⁶

However, a pity is that the book didn't include an analysis of fisheries field. To act on this gap, the thesis will elaborate the EU's role upward and outward in international fisheries management including a case study of Thai fisheries industry with the theoretical analysis by means of Manners' Normative Power Europe (NPE)¹⁷ and Damro's Market Power Europe (MPE)¹⁸.

2.3.1 Normative Power Europe (NPE)

Introduced by Manners in 2002, since then NPE has been a popular conceptual paradigm to understand the EU and its actions internally and externally.¹⁹ Tracing back to Manners' seminal work²⁰, he suggested to shift the focus from civilian or military power and regard the ideational impact of the EU's international identity as normative power, which is “not what it does or what it says, but what it is.”²¹ “a power that is able to shape conceptions of the ‘normal’,²² in other words, the legitimacy of the norms and values, or as Zeitlin²³'s depiction, acting in pursuit of universal principles and objectives.

As his explanation, Manners thought the EU's normative basis consists five “core” norms—peace, liberty, democracy, the rule of law, and respect for human rights and fundamental freedoms and four ‘minor’ norms—social solidarity, anti-discrimination, sustainable development, and good governance.²⁴

In terms of norms diffusion in international relations, Manners²⁵ concluded six measures: Contagion: unintentional idea diffusion; Informational diffusion: strategic communications and declaratory communications; Procedural diffusion involves the institutionalization of a relationship between the EU and a third party. Transference: diffusion takes place when the EU exchanges goods, trade, aid or technical assistance with third parties through largely substantive or financial means. Overt diffusion occurs as a result of the physical presence of the EU in third states and international organizations. Cultural filter which affects the impact of international norms and political learning in third states and organizations leading to learning, adaptation or rejection of norms.

¹⁶ Ibid.

¹⁷ Manners, Ian. "Normative power Europe: a contradiction in terms?" *JCMS: Journal of common market studies*, Vol.40, No.2, 2002: pp.235-258.

¹⁸ Damro, Chad. "Market power Europe." *Journal of European Public Policy*, Vol.19, No.5, 2012: pp.682-699.

¹⁹ Chaban, Natalia, Annick Masselot, and Katharine Vadura. "Introduction. Asia-Europe dialogue on norms: revisiting the role of norm-receivers in the conceptualization of the ‘normative power Europe’." (2015): 233-239.

²⁰ Manners, op. cid..

²¹ Manners, ibid.; Hill, Christopher. "Cheques and Balances: The European Union's Soft Power Strategy'." *Soft Power and US Foreign Policy: Theoretical, Historical, and Contemporary Perspectives*, London: Routledge (2010): 182-198.; and Damro, op.cid.

²² Diez, Thomas, and Ian Manners. "10 Reflecting on normative-power Europe." *Power in world politics* 173 (2007).

²³ Zeitlin, op. cid..

²⁴ Manners, 2002, op. cid..

²⁵ Ibid.

2.3.2 Market Power Europe (MPE)

According to Damro²⁶, “While the European Union’s identity may have normative and/or other characteristics, it is fundamentally a large single market with significant institutional features and competing interest groups.” With these three central foundations, he understood the EU as a Market Power Europe that exercises its power through the externalization of economic and social market-related policies and regulatory measures, which often has two stages: regulation (the EU attempts to get other actors to adhere to a level of regulation similar to that in the European single market or to behave in a way that generally satisfies or conforms to the EU’s market-related policies and regulatory measures) and implementation (requires these non-EU target actually to adhere to said level of regulation or to behave in said way).

As to the tools of MPE, Damro²⁷ simplifies the two concepts (persuasion and coercion) as positive and negative conditionality. “Positive conditionality includes reaching trade, cooperation and association agreements; reducing tariffs and quotas; granting preferences; providing aid; and extending loans.” Negative conditionality is exactly the reverse.

2.4 Relations between Powers

The EU’s identity is used to being described as military power, civilian power, soft power, NPE, MPE and so on from the theoretical concept. The reason why choosing two “powers” to analyze the EU’s role in this thesis should attribute to relations between powers. Basically, a “power” usually only revealed a facet of the EU’s identity. In order to get more round understanding, just as many scholars argued those concepts are not necessarily contradictory or totally separated each other or even complementary at some case, it is reasonable to use more than one “power” to analyses.

Following are some of their comments, “too much of a good thing is not always wonderful. Instead, it can produce theoretical tunnel vision that causes scholars to overlook others forms and effects of power.”²⁸ “Some anecdotal evidence of the high walls between these two academic strands surfaced at one workshop in 2004 on the EU’s international role during which participants started to identify themselves as either ‘norm people’ or ‘trade people’. Obviously, there are good reasons for bridging the two perspectives and considering European trade relations from a normative perspective.”²⁹ Manners also recognizes that all the other scholars in the collective book³⁰ illustrated “the ability to use a normative form of power, in the shape of normative justification, has to constantly come to terms with the intersection and interaction of other forms of power (material incentives or physical force).”³¹

Above all, resorting more than one “power” to analyze is reasonable and necessary.

²⁶ Damro, op. cid..

²⁷ Ibid.

²⁸ Barnett, Michael, and Raymond Duvall. "Power in international politics." *International organization* 59.1 (2005) : 39-75.

²⁹ Orbie, Jan. "Promoting labor standards through trade: normative power or regulatory state Europe?." *Normative Power Europe*. Palgrave Macmillan, London, 2011. 161-184.

³⁰ Manners, Ian. "The European Union’s normative power: critical perspectives and perspectives on the critical." *Normative Power Europe*. Palgrave Macmillan, London, 2011. 226-247.

³¹ Ibid.

2.5 Conclusion of the Literature Review

There are three gaps: (1) articles that systematically introduce the EU, as a global actor, to externalize its fisheries policies vertically and horizontally are rare; (2) articles using more than one “power” to analyze the case study is insufficient; (3) the study about the EU’s role in Thai fisheries industry is absent. To bridge these gaps, articles entailing these contents should be encouraged.

2.6 Methodology

Methodology includes the method of data collection and of data analysis.

2.6.1 Data Collection and Type of Data

The main body of the thesis will include three parts: the EU fisheries policy review, the EU fisheries market for third countries and a case study of Thailand.

The first part is mainly based on the documentary analysis from the EU official resources (e.g. the EU Parliament homepage and the EU Commission homepage) to analyze the EU’s fisheries policy, namely, New Common Fisheries Policy inside and outside, vertically and horizontally.

In the second part, the attention will centralize on the card scheme of the EU IUU Regulation. The data of the EU’s import value of fishery products and export value of fishery products of third countries during last decade will be analyzed to find out the reason why the third countries who got the EU IUU card had different responses.

Both primary data and secondary data will be applied in the case study part. Secondary data include documentary materials analysis and economic data analysis. To evaluate the cooperating level of Thailand with the EU’s suggestions as well as the influence on the Thai fisheries sector by the EU fisheries policy system, documentary materials will be referenced. Documentary materials comprise EU official documents related to define the “yellow card” to Thailand; official documents of resolutions, declarations, and relevant reports announced by Thai authorities; the dialogue between the EU and Thailand began from 2015 after Thailand got the EU IUU “yellow card”; and the news about the issue on newspapers.

To analyze the impact and aftereffects, economic data analysis including the Thai export value of fishery products to the EU and to the world, and its proportion to the Thai GDP will be compared before and after the “yellow card”, using as the indicators of the change.

Primary data i.e. semi-structured and in-depth interviews will also be conducted to get the real perceptions from Thai standpoint as a part of impact. In this section, interviewees are relevant experts from the Thai government and private companies of the fisheries sector. In order to get the content linked to our research questions, semi-structured interview questions were designed with the following objectives: First, the direct comments on the impact of the EU’s intervention; second, including content associated with MPE and NPE; and the last involving implications of the Thai fisheries sector in the future. (see Appendix)

2.6.2 Research Scope

The first part documents are ranging from 2013 (the year of latest reform of the Common Fisheries Policy) till now.

The duration of Documentary materials in the second part is from 2015 (the year of “yellow card” to Thailand) till now.

The economic data in the second part and the case study part are collected mainly through Eurostat international trade, ITC trade map, Global trade atlas, and Office of the National Economic and Social Development Board (Thailand) during last decade according to relevant HS code.

The interviews in the case study part, interviewees are relevant experts from the Thai government and private companies of the fisheries sector.

2.6.3 Data analysis

In the EU fisheries policy review part, Zeitlin’s experimentalist governance model of the EU will be applied to analyze the mechanism of the EU fisheries policy system.

In the EU market for third countries part, the EU’s import value of fishery products and its annual increasing rate will be regarded as the indicators of the importance of the EU market. The proportion of the export value of fishery products from third countries to the EU comparing with it to the world will be used as the key to explain their different responses on the EU IUU card scheme.

In terms of the case study part, comparing the reformed Thai fisheries policy system with the problems and suggestions defined by the EU along with “yellow card” to check whether Thailand fully cooperated. The similarity of reformed Thai fisheries policy system with the EU system also needs to be compared as it related to the EU fisheries policy extending essences.

MPE and NPE will be introduced to explain the essences of the EU’s role in the whole issue of the “yellow card” of Thailand.

The answers from the interviewees will be classified according to mentioned themes and summarized as the positive aspect of the impact, the negative aspect of the impact, the understanding of the EU’s role in the intervention, and implications for the future, regarding as a part of the impact in the case study.

CHAPTER 3 EXPORTING EU FISHERIES POLICY

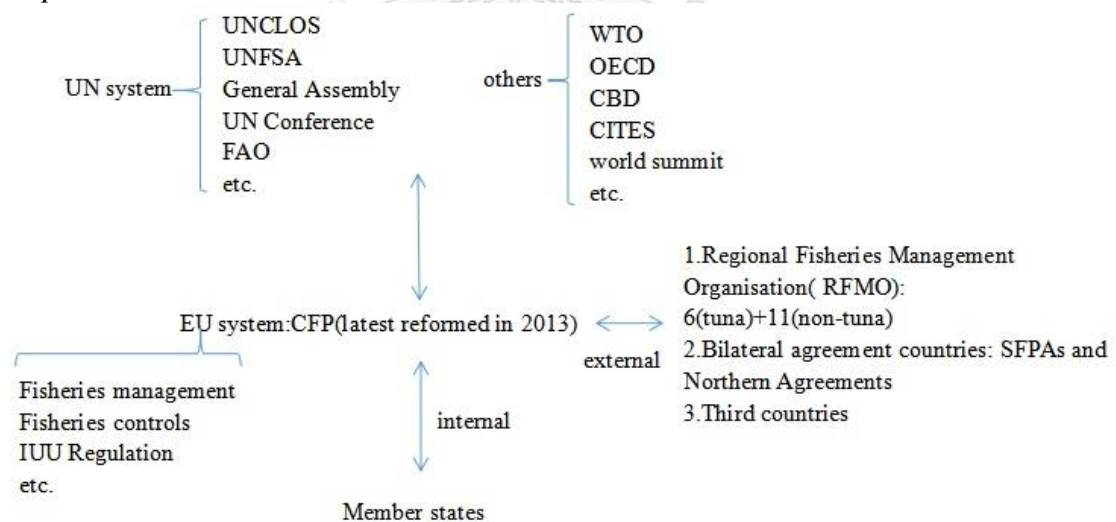
This chapter will begin with the EU fisheries policy review vertically and horizontally. The focus is on the EU IUU Regulation. And two variables which impact the change of IUU behaviors of third countries are introduced detailly as well.

3.1 EU Fisheries Policy Review

Pursuant to article 3(1.d) of TFEU, “The Union shall have exclusive competence in the conservation of marine biological resources under the common fisheries policy.”, article 38 (1) , “The Union shall define and implement a common agriculture and fisheries policy.” and article 43(3), “The Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.”³², all EU member states are under the CFP, which was formulated in 1970s and whose goal was revised as ensuring sustainable fisheries and guaranteeing incomes and stable jobs for fishermen in 2002.

According to Zeitlin’ s experimentalist architectures³³, the EU absorbs international laws, agreements, declaration, commitments, etc. and integrates them into EU laws and regulations, which are then implemented by its member states internally meanwhile externalizing them to third countries or parties horizontally and finally uploading its norms to international organizations vertically. Applying this model to the EU fisheries policy, we have Fig.1.

Figure 1 The EU Fisheries Policy Relation Scheme according to Zeitlin’s Experimentalist architectures



Source: own elaboration

³² Consolidated Version of the Treaty on the Functioning of the European Union. *Official Journal of the European Union*, Vol.C202, 7 June 2016: p.51, p.62 and p.65.

³³ Zeitlin, Jonathan, ed. “Introduction: theoretical framework and research agenda”. *Extending Experimentalist Governance? The European Union and Transnational Regulation*. OUP Oxford, 2015: pp.1-22.

3.1.1 Vertical Explanation

- International level

Vertically, on international level, the United Nations (UN) system plays a leading role in driving global sustainable management and conservation of fisheries resources, among which the main instruments include international laws, General Assembly and FAO.

The EU, as a contracting party, signed the United Nations Convention on the Law of the Sea (UNCLOS which entered into force in 1994). This is the law applied to the high seas and all signatory countries promised to promote sustainable fishing; the Agreement for the Implementation of the Provisions of the United Nations on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement, UNFSA or New York Agreement) (1995).

As an active member of the Food and Agriculture Organization of the United Nations (FAO), the EU also adopted the Agreement on compliance with conservation and management measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement) (1993) as well as the Code of Conduct for Responsible Fisheries (FAO Code of Conduct) (1995), which sets out the principles to be adhered to in all aspects of fishing and to ensure responsible and sustainable practices.

In addition, the EU has other international commitments, such as the World Trade Organization (WTO); the Organization for Economic Cooperation and Development (OECD); the Convention on Biological Diversity (CBD); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the World Summit on Sustainable Development in 2002, which aimed at reducing fishing to the level that gives the highest yield in the long run (maximum sustainable yield) by 2015 and using an ecosystem approach in fisheries management and so on.

The EU absorbed these international laws, multilateral agreements, conventions, declarations, and plans into its own mechanisms and established a Community system for the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP).³⁴

- Internal level

In 2013 the Council and Parliament reached agreement on a new CFP, for the long-term environmental, economic, and social sustainability of fishing and aquaculture activities.³⁵

Maintaining maximum sustainable yield (MSY) is a core goal to design correlative policies to make fragile living marine resources restore and maintain harvested populations. Therefore, key elements of new CFP include fisheries management, fisheries controls, IUU Regulation and so on are implemented to achieve MSY.

³⁴ Regulation (EU) NO 1380/2013 of the European Parliament and of the Council of 11 December 2013. Official Journal of the European Union, Vol.L354, 28 December 2013, p.22. (<http://data.europa.eu/eli/reg/2013/1380/oj>)

³⁵ Carmen-Paz Mart. "The Common Fisheries Policy: Origins and Development". *Fact Sheets on the European Union*, January 2018. (http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_3.3.1.html)

- Fisheries Management

In the interest of maximum sustainable yield (MSY), to balance the fishing opportunity and fishing capacity is significant for fisheries management.

Impactful approaches comprise total allowable catches (TACs), multi-annual plans, fishing effort management, discarding and landing obligation, and technical measures. Based on reliable data collection, which is conducted by the member states' scientific bodies in the framework of Data Collection Framework³⁶, and advice from advisory bodies, the Scientific, Technical and Economic Committee for Fisheries (STECF), for example, and The Scientific Advisory Committee (SAC)³⁷, the fishing opportunity or TACs are set by the EU (the Council of fisheries ministers) to limit commercial fish stocks and allocate the fixed percentage of the total quota to national quotas shared by member states. The member states can exchange quotas between themselves, but they have to halt fishing when all the available quota of a species is fished.³⁸

Along with TACs, multi-annual plans are made for almost all important stocks and fisheries, including the goal for fish stock management, which consist of the target of fishing at MSY and a deadline for achieving the target, and expressed in terms of fishing mortality (a measurement of the rate of removal of fish of a population by fishing) and/or targeted stock size. Additionally, measures of landing obligation implemented, and technical measures are also contained into multi-annual plans.³⁹

Alongside these two output variables, input variables are also required. Fishing effort management restricts fleet capacity and the amount of time at sea.⁴⁰

Here fleet capacity, to a large part, depends on control fishing capacity technically to guarantee. The detailed measures include stipulating minimum landing sizes and minimum conservation sizes, specifications for design and use of gears, minimum mesh sizes for nets, requirement of selective gears to reduce unwanted catches, closed areas and seasons, limitations on by-catches (catches of unwanted or non-target species) and measures to minimize the impact of fishing on the marine ecosystem and environment.⁴¹ In short, they guide fisherman to decide how, where and when to fish.

In addition, landing obligations are established to reduce discarding so as to improve fishing behavior through the way that all catches of regulated species on-board, under TACs quota and minimum landing size, must be landed and counted against quota. Undersized fish and prohibited species must be returned to the sea but need to be recorded in the logbook.⁴²

³⁶ "Fisheries sector: data collection". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/data_collection_en)

³⁷ "Scientific advice on managing fish stocks". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/scientific_advice_en)

³⁸ "Fishing quotas". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/tacs_en)

³⁹ "Multi-annual plans". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/multi_annual_plans_en)

⁴⁰ "Fishing effort". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/fishing_effort_en)

⁴¹ "Technical measures". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/technical_measures_en)

⁴² "Discarding and the landing obligation". Fisheries, European Commission homepage, retrieved 20 April 2018. (https://ec.europa.eu/fisheries/cfp/fishing_rules/discards_en)

- Fisheries Controls

In order to ensure implementation of foregoing management measures and monitor the compliance of the policy, fisheries controls are equally important.

The control system covers traceability and check of the whole supply chain ranging from boat to retailer.⁴³ To monitor catches easier, some measures including designated ports for landing sensitive species and large volumes, conversion factors to convert fish processed weight into fish live weight, master data register for electronic information recording and exchanging, and a series of modernized control technologies like electronic reporting system (ERS), the vessel monitoring system (VMS), vessel detection system (VDS) and the automatic identification system (AIS) etc. have been applied.⁴⁴ Moreover, a point system for serious fisheries infringements (just like the point system of traffic offence) of vessel owner has been introduced as a part of sanctions.⁴⁵ However, if the situation is for national authorities who were found not to enforce fisheries rules properly, a temporarily withhold funds from the European Fisheries Fund or close a fishery until the issue is resolved could happen, or even being taken to the EU Court of Justice in some extreme cases.⁴⁶

- IUU Regulation

In accordance to Council Regulation (EC) NO 1005/2008, The EU establishes a EU system (Community) to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing in EU and international waters.⁴⁷ The regulation came into force in 2010 works alongside the EU fisheries control system for checking, inspection and enforcement by national authorities of the rules of the common fisheries policy. And every two years the member states submit a report to the European Commission on implementation of key obligations under the Regulation.

A fishing vessel is presumed to engage in IUU fishing if it falls into one of the following manners:

- (1) fished without a valid fishing license;
- (2) not fulfilled its obligations to record or report catch or catch-related data;
- (3) fished in a closed area, during a closed season, without or after depletion of a quota, or beyond closed depth;
- (4) fished prohibited species;
- (5) used banned or non-compliant fishing gear;

⁴³ “The EU’s fisheries control system”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/cfp/control_en)

⁴⁴ Ibid.

⁴⁵ “Point system for serious infringements”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/cfp/control/infringements_sanctions/point_system)

⁴⁶ “Who does what?”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/cfp/control/who_does_what_en)

⁴⁷ Council Regulation (EC) No 1005/2008. *Official Journal of the European Union*, Vol.L286, 29 October 2008: p. 5.

- (6) falsified or concealed its identity, markings or registration;
- (7) falsified or concealed evidence relating to an investigation;
- (8) obstructed inspecting work or observing work;
- (9) taken on board, transshipped or landed undersized fish;
- (10) transshipped or participated in activities with vessels included in the IUU vessel list;
- (11) carried out fishing activities in the area of a Regional Fisheries Management Organization (RFMO) without complying with the conservation and management measures of that organization and is registered in a country not party to that organization, or not cooperating with that organization;
- (12) no nationality, namely, a stateless vessel.⁴⁸

Besides combating IUU fishing at sea, another core aim of the Regulation is to prevent, deter and eliminate trade in fisheries products deriving from IUU fishing into the EU market. Vital measures include: (1) Designated ports of landing and transshipment, which are prohibited in EU waters, for vessels from non-EU countries; (2) port inspections, meaning all fishery products imported into the EU have to be checked by the member states in their designated ports in order to ensure the products legally and the vessel complying with the Regulation, i.e. the vessel holds required licenses and authorizations, and the quantity declared matches with the quantity landed or transshipped; the priority among priorities— (3) catch certificates issued by flag states, which guarantee products imported into the EU do not originate from IUU fishing, accompanying fishery products throughout the supply chain to allow continual checks;⁴⁹ (4) sanctions and (5) “card scheme” which will be explained in detail later.

Other essential segments, such as sustainable aquaculture, market and trade policy, and funding of the policy, are also included in the CFP to form an effective EU fisheries policy system.

The EU also intends to upload its implementing experience from its member states and norms into international organizations in reverse vertically, which can be found from a clue that the Communication (2011) in which the Commission proposed to the Council: to continue to put forward ambitious proposals for the annual UN General Assembly Resolution on sustainable fisheries; to reinforce support for the development of international instruments for the conservation and management of fish stocks in the context of the FAO; to launch an initiative at UN level for a Global Certification Scheme to eradicate IUU fishing;⁵⁰ and to promote the respect of high sustainability standards by third parties in the high seas and third country waters.

⁴⁸ Ibid, pp.6-7.

⁴⁹ “Eliminating illegal, unreported and unregulated fishing”. EUR-Lex, retrieved April 2018. (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:pe0005&from=EN>)

⁵⁰ “COM/2011/0424 final, Communication from the EC to the EP, the Council, the EESC and the Committee of the Regions on the External Dimension of the CFP”. EUR-Lex - 52011DC0424 - EN - EUR-Lex, 13 July 2011: p.7. (<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52011DC0424>)

3.1.2 Horizontal Explanation

Horizontally, the EU also has ambition to externalize its fisheries policy mechanism to Regional Fisheries Management Organization (RFMO), its bilateral agreement countries, and other third countries.

The EU, represented by the Commission, works actively in six tuna organizations and 11 non-tuna organization. The six RFMOs that the EU participated manage highly-migratory species, mainly tuna, for example, Commission for the Conservation of Atlantic Tunas (ICCAT), Indian Ocean Tuna Commission (IOTC), and Inter-American Tropical Tuna Commission (IATTC). The later eleven REMOs manage fish stocks by geographical area, e.g. North-East Atlantic Fisheries Commission (NEAFC), South Indian Ocean Fisheries Agreement (SIOFA), and General Fisheries Commission for the Mediterranean (GFCM). The EU efforts at supporting RFMOs to deliver on their obligations and good governance, urging members to comply with RFMOs' conservation and management measures, assisting in supplying reliable scientific data and advice by increased investment or direct consultation, etc.⁵¹

In addition to its escalating presence in RFMOs, the EU exports its fisheries management experience to bilateral agreement countries directly. There are two types of bilateral fishing agreement: (1) sustainable fisheries partnership agreements (SFPAs) – the EU gives financial and technical support in exchange for fishing rights (tuna agreements and mixed fish stocks agreements), generally with southern partner countries, and (2) northern agreements – joint management of shared stocks with Norway, Iceland and the Faeroe Islands, therein especially, SFPAs require all protocols to respect for resources conservation, environmental sustainability and human rights.⁵²

With respect to third countries, so far, the most noticeable and some countries implicated already is the EU IUU Regulation, which as mentioned involves not only all vessels of EU member states and non-EU states in the EU waters and ports but also all fishery products entered into the EU market.

- The EU IUU Card Scheme and Affected Third Countries

Against IUU fishing conducted by third countries, the following two lists effectively ban it from the EU side (waters, ports and market) unilaterally: vessel list and non-cooperating third countries list.

If the fishing vessels are presumed, with sufficient evidence, to engage in IUU fishing, flag states would be notified and allowed to safeguard as well as appeal, however, once the vessels are identified whilst whose flag states fail to comply with the official requests in response to such IUU fishing, they will be prohibited from the EU waters and ports.⁵³

A third country may be identified as a non-cooperating third country if it fails to discharge the duties incumbent upon it under international law as flag, port, coastal or market state, to take action to prevent, deter and eliminate IUU fishing.⁵⁴ A “card

⁵¹ Ibid, pp.8-9.

⁵² “Bilateral agreements with countries outside the EU”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/cfp/international/agreements_en)

⁵³ Eliminating illegal, unreported and unregulated fishing, op. cit.

⁵⁴ Council Regulation (EC)No 1005/2008, op. cit., p.18.

scheme” is introduced to notify concerned third countries. A ‘yellow card’ standing for pre-identification stimulates formal dialogues opened by the European Commission during at least six months. If concrete measures carried out and the situation improved in concerned third country, a “green card” meaning delisting would offer. Otherwise, if the country does not address the problems, a “red card” would be offered for identification, namely, non-cooperating country who will confront banning its fishery products from the EU market.⁵⁵

Furthermore, both the IUU vessel list and the list of non-cooperating third countries shall be published and circulate the information to not just EU member states, but also the FAO, and RFMOs for enhancing cooperation to eradicate IUU fishing.⁵⁶

Since the IUU Regulation was established in 2008, and entered into force in 2010, 24 countries and Taiwan have received a “card” from the EU so far.

Among them, Cambodia and Comoros, who got “yellow cards” in 2012 and 2015 then upgraded to “red cards” in 2013 and 2017 respectively, are thus on the black list or non-cooperating third country list from 2014 and 2017 until now.

Nine of them are still on the “yellow card” procedure. The latest one, who triggered the EU “yellow card” in October 2017, is Vietnam.

All others have completed their “green card” procedure and been removed from the list.⁵⁷

In summary, the EU fisheries policy or new CFP is crucial for ensuring MSY, of which crucial measures includes fisheries management aiming at balancing fishing opportunity and fishing capacity, fisheries controls guaranteeing successive implementation of the management in whole chain, and the IUU Regulation combating illegal fishing aiding the controls to both the EU waters and market from inside and outside. Transforming the international laws and commitments into its own system, conversely, it also has ambition to upload its experience and norms to international organizations and externalize them to RFMOs, bilateral agreement partners and third countries. The system looks effective, however, whether this ambition could get attention or whether the EU could play an influential global role on fisheries conservation and management, especially, for non-member states, needs to be discussed further.

Undoubtedly, those bilateral agreement partners, especially SFPAs, are easiest to impact due to their reliant relations with the EU financially and technically as discussed. International organizations, say, UN, FAO, WTO, and RFMOs, more or less, could also be influenced by EU norms from various aspects along with receiving budgets, technical advice, annual proposals etc. However, its influence on those third countries is uncertain Therefore, the focus will put on the third countries in this thesis. And as mentioned, the most relevant part in respect of the EU fisheries policy for them is IUU Regulation which directly connects to their exportation to the EU. There are at least

⁵⁵ “2015-04-tackling-iuu-fishing_en.pdf”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/sites/fisheries/files/docs/publications/2015-04-tackling-iuu-fishing_en.pdf)

⁵⁶ Council Regulation (EC)No 1005/2008, op. cit., p.18., p.20.

⁵⁷ “illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf”. Fisheries, European Commission homepage, retrieved April 2018. (https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf)

two variables regarding the cooperating degree of concerned third countries: the demand of the EU market on stipulated fishery products and the dependence on relevant exportation of the concerned third countries to the EU market. Next will use trade data to analyze how these two variables work.

3.2 The EU Fisheries Market for Third Countries

The demand for fishery products in the EU market, or to be precise, the overall import value of 28 of the member states, gives the EU the driving seat for the pursuit of its standards and requirements.

In the light of article 2(8) of IUU Regulation, “fishery products” mean any products which fall under Chapter 03 and Tariff headings 1604 and 1605 of the Combined Nomenclature established by Council Regulation (EEC) No 2658/87⁵⁸, namely, fish and crustaceans, mollusks and other aquatic invertebrates; prepared or preserved fish, caviar and caviar substitutes prepared from fish eggs; Crustaceans, mollusks and other aquatic invertebrates, prepared or preserved.⁵⁹ ⁶⁰ Thus all later fishery products data used in the thesis are the sum of those products of HS Code 0301 to 0308, 1604 and 1605.

3.2.1 The EU Fisheries Market

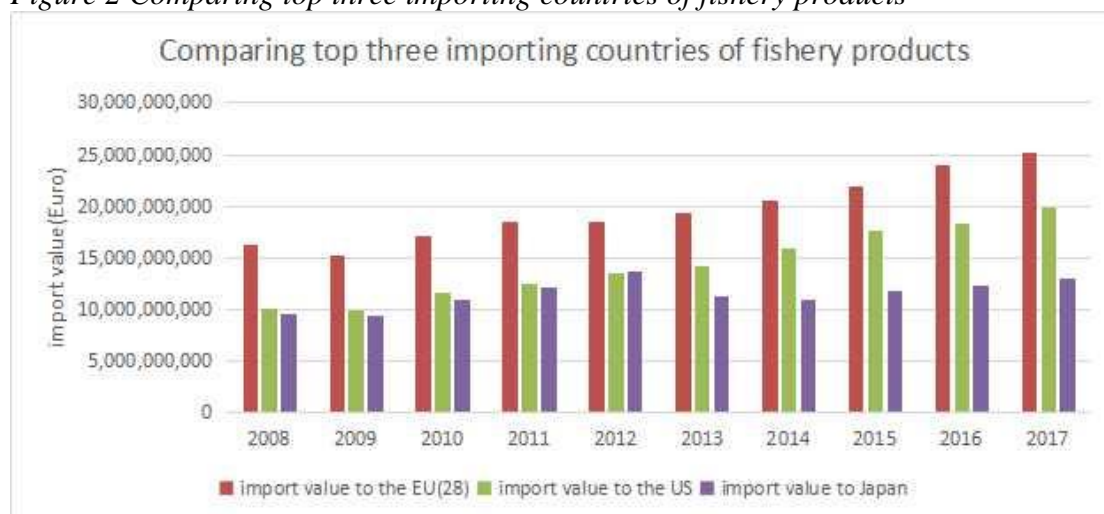
Comparing the import value of top three importing countries of fishery products in the world last decade (since the IUU Regulation established in 2008 till 2017), the EU is unsurprisingly the biggest fishery products demanding market which is evidently shown in the Fig.2. During last ten years, the total sum of the EU import value reached 196.38 billion Euro, which is higher than the US about 53.08 billion Euro and 81.79 billion Euro than Japan, respectively. Not only that, the demanding of the EU market itself is also increasing. The growth rate climbs to 55.8% comparing the import value of 2008 with that of 2017, and its average annual growth rate is as high as 5.18%. The figure and the trend could temporarily eliminate a concern that the import demand of the EU will decline as its internal supply could be self-sufficient after ensuring MSY. Moreover, considering such big demanding and rapid increases yearly, it also implies that the EU market does matter to third countries who export fishery products, especially when a country's exportation extremely relies on the EU market.

⁵⁸ Council Regulation (EC)No 1005/2008, op. cit., p.6.

⁵⁹ Commission Regulation (EC)No 948/2009. “Amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs tariff”. *Official Journal of the European Union*, 31 October 2009: p.5.

⁶⁰ Note: there are several excluded products in the Regulation, not to name here.

Figure 2 Comparing top three importing countries of fishery products



Source: own elaboration

Data source: Eurostat international trade; ITC trade map⁶¹

3.2.2 Dependence on the EU Market by Third Countries

The importing scale of the fishery products of the EU market is exactly a compelling reason for those who want to have business with the EU to follow EU standards and requirements. Additionally, the degree of dependency of third countries on the EU market, namely, the proportion of their export value to the EU, is another decisive factor to influence whether EU norms would be adopted by them or not, which could be observed from the Fig.3 and Fig.4 related to the third countries on the IUU fishing list. The Fig.3 shows all 24 third countries and Taiwan, who have had an EU IUU card warning since 2012 till now. And the Fig 4 indicates the dependent degree on the EU market of them, which is made on the basis of the average percentage of the export value of fishery products from those listed third countries to the EU accounted for their whole export value of fishery products to the world during latest ten years.⁶²

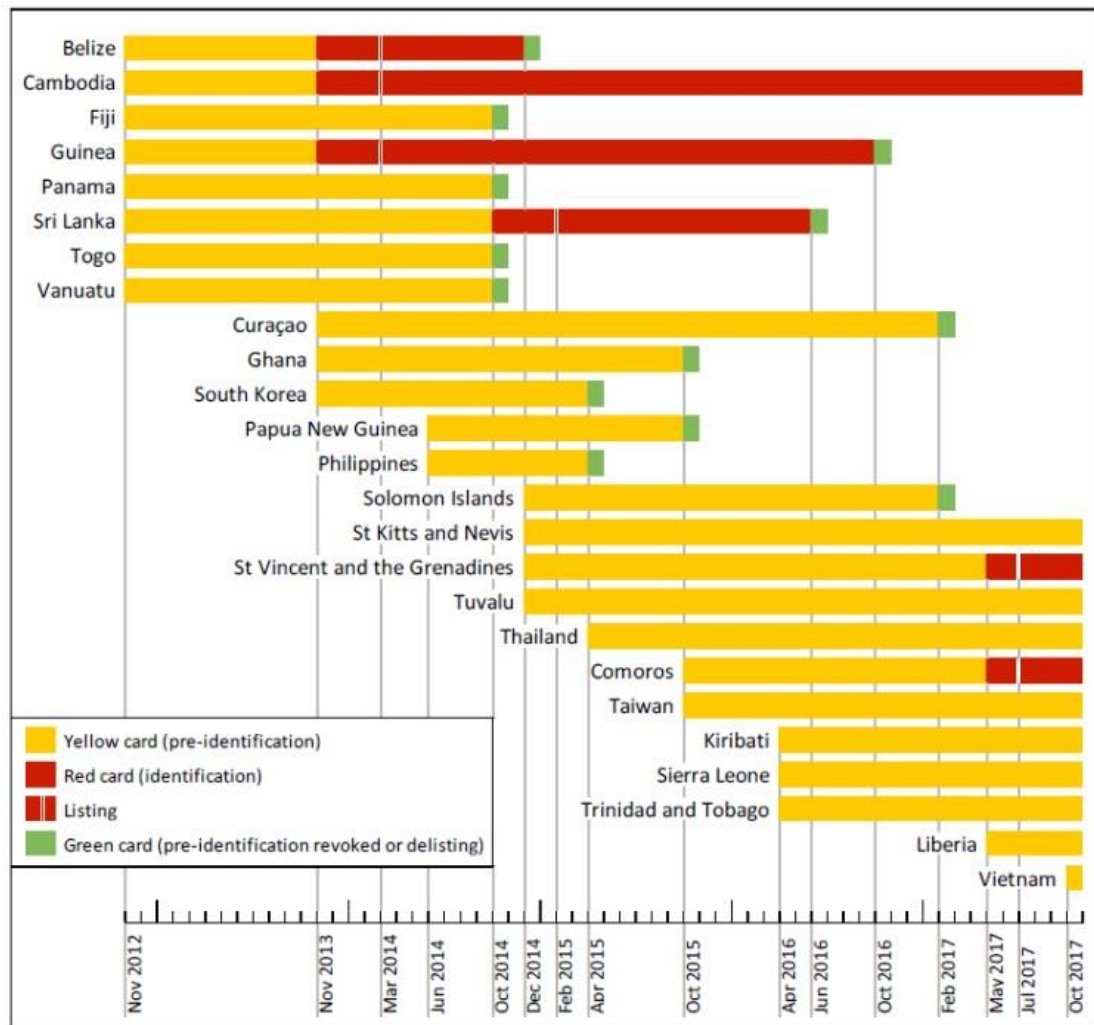
According to the Fig.3, there are six countries underwent EU “red card” in the past years, among which half of them were already delisted but the rests are still on the black list. Connecting with the Fig.4, it is not difficult to find that those who still kept “red card” totally have no exporting relation with the EU during last decade, which means they did not rely on the EU market to export their fishery products at all even before they were subjected to the refusal from the EU side unilaterally. Therefore, it has been more than five years for Cambodia, three years for St Vincent and the Grenadines, and two years for Comoros respectively since they got “yellow card” then “red card” till now. In contrast, nine high degree of dependence on the EU market countries whose average percentage of the export value to the EU accounted for their whole export value

⁶¹ Data collected from Eurostat: <http://epp.eurostat.ec.europa.eu/newxtweb/setupsearchdatasets.do> and ITC: <https://www.trademap.org/tradestat/index.aspx>

⁶² Note: because of unavailable of some countries' correct data of several years, the data of those countries are discontinuous, and several are not ten years. And the data of Ghana exported to the EU and to the world is inconsistent, so Ghana is not shown on the Fig 4.

of fishery products is higher than 20 percent, no matter duration of “card time” is long or short, all have been removed from the EU card list apart from St Kitts and Nevis who virtually began to export its fishery products to the EU since 2015, that is, after its pre-identification.

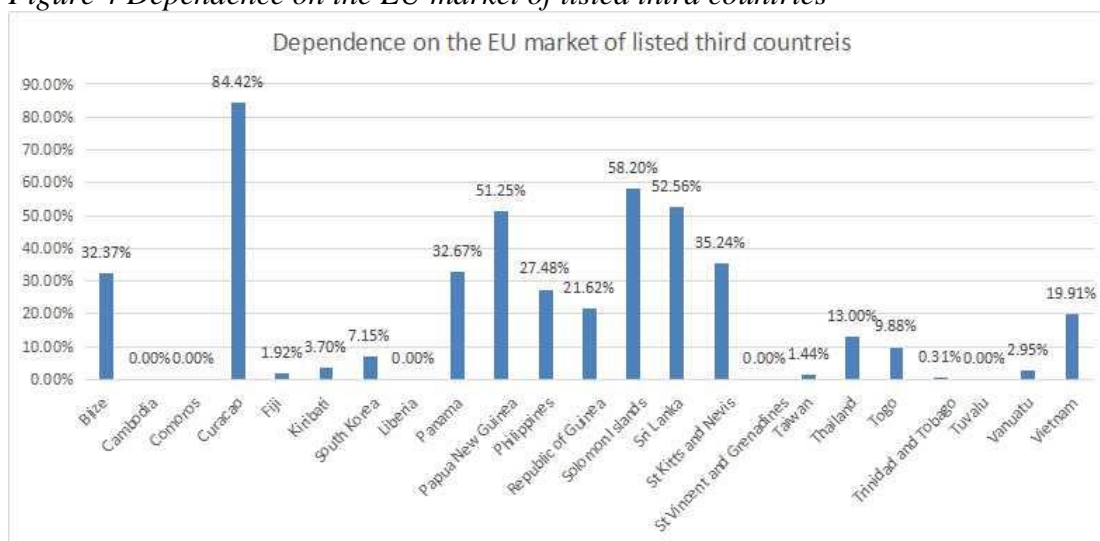
Figure 3 Illegal fishing overview of existing procedures third countries



Source: DG MARE (November 2017)⁶³

⁶³ Irina Popescu and Samy Chahri. “Illegal, unreported and unregulated (IUU) fishing”. European Parliamentary Research Service Blog, 27 November 2017. (<https://epthinktank.eu/2017/11/27/illegal-unreported-and-unregulated-iu-fishing/>)

Figure 4 Dependence on the EU market of listed third countries



Source: own elaboration

Data source: Eurostat international trade; ITC trade map; and compared with Global trade atlas⁶⁴ as well

Depend on above deduction, if inferring only through dependence on the EU market, the probability that another two zero reliance countries Liberia and Tuvalu could be identified as “non-cooperating country” is much higher than the others.

Table 1 Export value (Euro) of fishery products of nine “yellow card” countries to the EU in last decade

Home country	partner country	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Kiribati	EU	8,503	12,295	6,867	42,404	31,365	37,894	39,848	27,219	53,138	48,353
Liberia	EU	0	0	0	0	0	0	0	0	0	0
Sierra Leone	EU	0	13,723	3,972	189	174,976	4,323	0	0	0	3
St Kitts and Nevis	EU	0	0	0	0	0	0	0	38,407	19,707	14
Taiwan	EU	16,652,550	17,260,612	16,356,294	21,964,545	10,011,025	15,640,838	13,813,176	21,211,050	26,907,640	22,266,228
Thailand	EU	703,904,200	747,094,594	812,956,682	897,534,800	821,037,514	732,659,043	642,074,372	476,013,105	419,090,669	400,392,305
Trinidad and Tobago	EU	0	3,463	25,694	28,498	26,373	27,271	62,719	30,445	29,726	29,895
Tuvalu	EU	0	0	0	0	0	0	0	0	0	0
Vietnam	EU	773,719,865	784,506,243	859,255,448	925,363,348	844,211,551	787,665,219	905,881,734	1,007,658,762	1,018,174,241	1,150,658,839

⁶⁴ Note: because of unavailable of some countries’ correct data of several years, the data of those countries are discontinuous. And the data of Ghana exported to the EU and to the world is inconsistent, so Ghana is not shown on the Fig 4.

■ The year gotten the “yellow card” from the EU

Source: own elaboration

Data source: Eurostat international trade

Table 1 shows the export value of fishery products of nine “yellow card” countries to the EU in last decade. Except mentioned two zero reliance countries Liberia and Tuvalu, according to this table, Sierra Leone also has high possibility of non-cooperation because it had already halted exportation of fishery products to the EU two years before it got the “yellow card” in 2016. The rest six countries do not show totally identical results after the “yellow card”. As referred, St Kitts and Nevis even began to export fishery products to the EU after the “yellow card”. Kiribati, Taiwan and Vietnam increased exportation to the EU in the year when they got the “yellow card” comparing with the last year but Thailand and Trinidad and Tobago showed decrease. However, after the “yellow card”, the fluctuation of their export value of fishery products to the EU happened. Other than Taiwan confronted its rapid up and down and Vietnam has no comparing data yet, Kiribati, Thailand, and Trinidad and Tobago all show the trend of reduction.

Briefly, the EU is the biggest market for fishery products with its annually increasing demand, signifying its norms and requirements are quite likely adopted by its business partners if the EU is at the same time a very important destination of their exporting goods.

Nevertheless, for those third countries on the EU list but without such high dependence on the EU market of their fishery products, namely, aside from above proved obvious situation of zero or much high reliance, the level of their cooperation with the EU IUU Regulation to combat IUU fishing needs to be discussed deeper. Next chapter will introduce a case study as an example to analyze deeply.

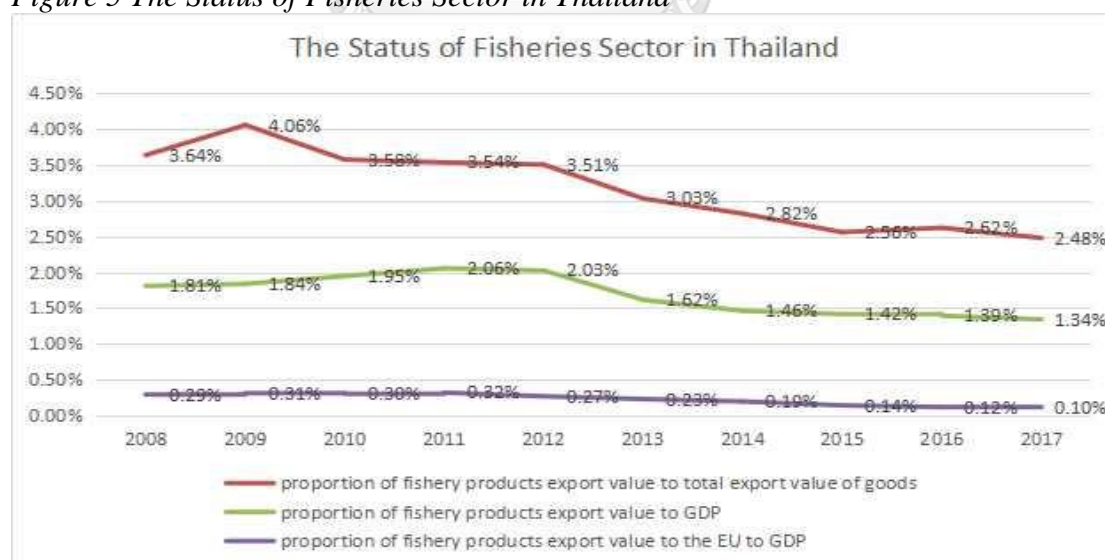
CHAPTER 4 CASE STUDY OF THAILAND

On the basis of chapter 3 information, it is clear now that the significant position of the EU market in the world in respect of its huge import value of fishery products, which implies non-negligible status of the EU relevant policies, and the proportion of export value of fishery products to the EU comparing with overall export value to the world from third countries, which can reflect the reliance upon the EU market by third countries, influence cooperating level of the third countries to take action on IUU fishing to some extent. However, follow-up study is needed to analyze whether the requirements and suggestions of combating IUU fishing from the EU have been conducted successfully by third countries; what impact to fisheries industry of the third countries it has and what the EU's role in the processes is. In this regard, the case study in this chapter is going to explore these questions. Considering the reliance level on the EU market and ongoing IUU card, the thesis applies Thailand as an example from EU IUU card list to give an answer.

4.1 Fisheries Sector in Thailand

The value of exported goods occupies a sizable proportion of Thai GDP, which reached 55.09 % by average in last decade, among which the value of exported fishery products contributed 3.18% to overall export value of goods and accounted to 1.69% of Thai GDP. As one of Thai top three exported destinations (after the USA and Japan), the value of fishery products exported to the EU amounted to 0.23% of Thai GDP averagely during last ten years.⁶⁵ The Fig5 illustrates these important indicators of Fisheries Sector in Thai economy in the past decade.

Figure 5 The Status of Fisheries Sector in Thailand



Source: own elaboration

Data source: Office of the National Economic and Social Development Board

⁶⁵ The figures are calculated by the author according to the data from Eurostat, ITC Trade Map and Thai office of the national economic and social development board.

(Thailand)⁶⁶ and ITC Trade Map

Fisheries sector comprises a significant part of Thai economy. In the meantime, combining Fig.4, the reliance on the EU market is 13% of the total export value of Thai fishery products, which could be classified into neither too dependent or totally independent third countries or, in other words, into those who need to be investigated whether cooperating third countries. However, unlike hardly reliant on the EU market third countries, the export value of fishery products to the EU cannot be ignored considering its contribution to the whole GDP of Thailand, which already added cooperating possibility and the likeliness of the warning from the EU would be attached importance.

4.2 Identified Problems in Thai Fisheries Sector by the EU

Thailand notified as flag state to the Commission in accordance with Article 20 of the IUU Regulation on 6 October 2009. Thailand, who has ratified UNCLOS in 2011 and the contracting party to the IOTC as well, however, pursuant to the Commission Decision (2015)⁶⁷, was considered to fail its obligation as flag, coastal and port state in that it was blind to its commercial vessels fished without valid license and without VMS equipment on-board in the high sea as well as coastal States EEZ; most of catches were unreported as less than a fifth of its commercial vessels used logbooks and as a coastal state failed to ensure optimum utilization of fishery resources; and no guarantee of itself and imported fishery products entering its ports and processing plants legally then let them destined to EU market because of its incomplete legal basis, monitoring measures, and traceability system meanwhile it traded with some listed potential non-cooperating third countries.

Generally there were three main facets, implied by the Decision, needed to be modified that are jurisdiction, enforcement and cooperation, which means the legal and implementing framework for fisheries management should be updated; sanctioning scheme should be developed; monitoring, control and surveillance framework for Thai vessels and third country vessels accessing to Thai port should be improved, especially registration, licensing, VMS and logbook record which should be covered for its commercial vessels; reliable catch certification and traceability scheme should be established for exports destined to the EU market; and to ratify more international legal instruments such as FAO Code of Conduct and UNFSA related to fisheries management should be encouraged.

Apart from IUU fishing, the EU also expressed deep concern about the violation of human rights in Thai fisheries sector, “Takes note of the measures taken by the Thai Government to comply with minimum standards for elimination of trafficking and to put an end to endemic modern-day slavery in the supply chain of its fishing industry.”⁶⁸ Additionally, on Answers given by Vice-president Mogherini on behalf of the Commission to Parliamentary questions at 8 September 2015, she said “The IUU

⁶⁶ Data collected from official website: <http://www.nesdb.go.th/>

⁶⁷ Commission Decision of 21 April 2015 on Notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing. *Official Journal of the European Union*, Vol.C142, 29 April 2015: pp.7-17.

⁶⁸ P8_TA(2015)0343, Situation in Thailand, European Parliament resolution of 8 October 2015 on the situation in Thailand(2015/2875(RSP)). *Official Journal of the European Union*, Vol.C349, 17 October 2017: pp.28-29.

Regulation does not address labor issues in seafood supply chains, but the EC believes that improvements in the fisheries control system will by default improve the control of labor conditions in seafood supply chains.....Labor issues in the Thai fishing sector are addressed systematically with the Thai authorities as well as with the International Labor Organization (ILO).”⁶⁹ On the Answers, she also mentioned a tailor-made action plan has been proposed to Thai authorities.

4.3 The Reform of Thai Fisheries Sector

Since Thailand got the EU IUU “yellow card” in 2015, it has been about three years now. What changes has happened in Thai fishery sector is worth discussing to gauge whether the complaints and suggestions from the EU had been accepted and valued by Thai authorities.

4.3.1 International and Regional Cooperation

On the cooperative level, Thailand has successively acceded to more international and regional agreements to combat IUU fishing and to bolster sustainable fisheries. These agreements include PSMA (the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. The PSMA is a key international agreement aimed at combating illegal fishing through the control over foreign-flagged fishing vessels and prevent the importation of IUU fish by cooperation between port state and other state parties.) in May 2016⁷⁰; UNFSA (UN Fish Stock Agreement 1995, a key international agreement on the conservation and management of fisheries resources to combat illegal fishing through cooperation of state parties, as well as sub-regional and regional fisheries management organizations) in April 2017⁷¹ and SIOFA (the Southern Indian Ocean Fisheries Agreement. The SIOFA is an agreement establishing a regional fisheries management organization which manages fishing of non-tuna species and to combat illegal fishing in the southern Indian Ocean) in April 2017⁷².

As a port state, joining in PSMA shows the international commitment of Thailand to restrict foreign vessels to port in and land catches on Thai port strictly, especially suspected IUU fishing vessels and without permission vessels will suffer entering denial from Thai ports. As a coastal state, accession to the UNFSA enables Thailand to fulfill its obligations as a member of UNCLOS with regards to the management of migratory fish resources. As a flag state, as Thai overseas vessels mainly fishing in Indian Ocean, signature of SIOFA plus previous entered IOTC enable Thai-flagged vessels legally fish in the high sea of Indian Ocean.

⁶⁹ “Answer to a written question - IUU fishing and labor slavery in Thailand - E-008916/2015”. European Parliament homepage, 8 September 2015 (<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-008916&language=EN>)

⁷⁰ “MFA Press Release: Thailand accedes to the FAO Agreement on Port State Measures”. Royal Thai Embassy Brussels, 11 May 2016. (<https://www.thaiembassy.be/2016/05/11/mfa-press-release-thailand-accedes-to-the-fao-agreement-on-port-state-measures/?lang=en>)

⁷¹ “MFA Press Release: Thailand acceded to the UN’s Fish Stock Agreement”. Royal Thai Embassy Brussels, 28 April 2017. (<https://www.thaiembassy.be/2017/04/28/unfsa-accession/?lang=en>)

⁷² “MFA Press Release: Thailand’s Accession to the Southern Indian Ocean Fisheries Agreement (SIOFA)”. Royal Thai Embassy Brussels, 27 April 2017. (<https://www.thaiembassy.be/2017/04/26/mfa-press-release-thailands-accession-to-the-southern-indian-ocean-fisheries-agreement-siofa/?lang=en>)

Thailand also emphasizes cooperation with third countries to prevent and eliminate IUU fishing by exchanging information between coastal and flag states. New memorandum of understanding (MOU) on fisheries cooperation with third countries will now include a section on preventing IUU fishing.

4.3.2 New Fisheries Legislation

Overhauling its outdated Fisheries Act of 1947 as well as replacing insufficient revised Fisheries Act of 2015, on 14 November 2015, a radical new Royal Ordinance on Fisheries B.E.2558 (2015) came into force⁷³. In addition, hundreds of subordinate laws and implementing regulations has been enacted to enforce the new law.

The new law highlights various dimensions to ensure sustainable fisheries and combat IUU fishing.

To enhance monitoring, control and surveillance of fishing activities, the new law stipulated all commercial vessels over 10 gross tonnage must have valid license prescribed by Marine Department; Fishing logbooks recording fishing operations are required for all commercial fishing vessels in order to report to the Port In-Port Out (PIPO) Control Center; Commercial fishing vessels of above 30 gross tonnage must install a vessel monitoring system (VMS) on board and not allowed to fish in coastal seas; Thai flagged fishing vessels fish outside Thai waters must hold specific license meanwhile station an observer on board; only registered for transshipment or store purpose vessels, for which VSM is mandatory, have capacity to transshipment at sea under pre-authorization and marine catch transshipment document (MCTD) is necessary after transshipment.

To improve traceability of the whole value chain, besides mentioned logbooks and MCTD, recording data on every fishing vessels by fishing ports and fish markets is required to prepare a marine catch purchasing document (MCPD), which is required for every transaction involving the catch, for a buyer as well as submitting a copy to the Department of Fisheries; importers and exporters of aquatic animals and any such products must present a catch certificate to prove the origin of the catches or products is lawful. In addition, vessels on the IUU fishing list, stateless vessels, without permission vessels are prohibited from entering Thailand. Permission is also needed for unloading and importing into Thailand to non-Thai flagged vessels with a valid license and other required documents to prove non-engaging IUU fishing activities.

Moreover, proportional and deterrent administrative and criminal sanctions are introduced into the new law. Stringent punishment includes fine, suspension of fishing license, revocation of fishing license, inclusion of the vessel into the IUU list and detention of the vessel etc.

The new law also contains a part aiming at eliminating all forms of forced labors and protecting labors' rights who work in fishing vessels and in seafood processing plants. A seaman must have a seaman document. Non- Thai seamen must obtain permit to remain in Thailand under the law on immigration and a work license under the law on working of aliens. For the owner of any fishing vessel who uses a seaman without a

⁷³ "Highlights of Thailand's New Fisheries Legislation". Royal Thai Embassy Brussels, 18 November 2015. (<https://www.thaiembassy.be/2015/11/18/highlights-of-thailands-new-fisheries-legislation/?lang=en>)

valid work permission license will confront severe penalty. Submitting a list of outgoing seamen on board and evidence of appropriate working circumstance to the PIPO Control Center is obligatory as well when porting-out. For factory operators who employ illegal workers (Thai and aliens) or violate the labor protection law will suffer heavy punishments as well.

Besides, along with the new law, Thailand's Fisheries Management Plan (FMP) 2015-2019 and the National Plan of Action on IUU (NPOA-IUU) were entered into force on 29 December 2015 to reduce overfishing and overcapacity, to be consistent with maximum sustainable yield (MSY) and to deploy combating illegal fishing action measures.

4.3.3 Implementing Guarantee

Relevant departments include Department of Fisheries, Marine Department, Ministry of Labor, Royal Thai Navy, police and so on. Thai government also set up 32 PIPO Controlling Center under the supervision of Thailand Maritime Enforcement Coordinating Center (Thai MECC), 19 Forward Inspection Points (FIPs), and the Command Center for Combating Illegal Fishing (CCCIF) under which there are seven working groups to formulate and implement measures. On 15 January 2016, the CCCIF has signed a memorandum of understanding on eliminating IUU Fishing and Human trafficking which involved 36 organizations including 12 government units, 21 seafood private sectors and 3 impartial organizations as a witness such as International Labor Organization (ILO), aiming to ban fishery products that come from IUU fishing and relating to human trafficking and to exchange useful information among government unites, private sectors, and organizations.⁷⁴

Key systems such as monitoring control and surveillance (MCS) system and traceability system have been established to fulfill the requirements of inspecting the installation of VMS, monitoring and deterring IUU fishing vessels, e-license system operation, real-time and online vessel registration and licensing system operation, tracking marine catches by Thai vessels as well as imported fish and fishery products, capacity building for officers and training for observers and so on.⁷⁵

Fishing license regime was revolutionized. All fishing licenses issued before March 2016 were expired and new fishing licenses are required from 1 April 2016 onwards and valid for two years. The issuance of new fishing licenses shall be consistent with MSY stipulated in FMP. The number of fishing licenses granted is not allowed to exceed the level of catch permitted by the MSY. Consequently, buy-back scheme has been prepared by the government for vessels that are not granted new fishing licenses. The government also aided affected fishermen including financial compensation and training for new job as a result of vessels decommissioned from the system.⁷⁶

Oversight of overseas fishing fleets was highly strengthened. Specific measures include the deployment of observers-on-board on the vessels; enhancing at-port inspection by

⁷⁴ Ruksith Sitthitool. "Thai CCCIF sign MOU to eliminate IUU Fishing and Human trafficking". Thai Tribune, 17 January 2016. (http://www.thaitribune.org/contents/detail/340?content_id=17123&rand=1465157580)

⁷⁵ "CCCIF Press Release: Thailand's Progress in Combating IUU Fishing". Royal Thai Embassy Poland, 2 February 2016. (<http://www.thaiembassy.org/warsaw/th/news/5554/76012>)

⁷⁶ "Press Release: Thailand's Reform of Fishing License Regime". Royal Thai Embassy Brussels, 1 March 2016. (<https://www.thaiembassy.be/2016/03/02/press-release-thailands-reform-of-fishing-license-regime/?lang=en>)

32 PIPO Centers; intensifying at-sea inspection by Thai-MESS; imposing a ban on at-sea transshipment; and imposing obligation to install additional monitoring equipment (Electronic Reporting System (ERS) and Electronic Monitoring System (EM), which enable the Fisheries Monitoring Center (FMC) to better monitor and control overseas vessels through real time recording and reporting of fishing and transshipment activities including the movement of labors) on all overseas vessels.⁷⁷

Except the relevant working group under CCCIF, “The Working Group on Labor Relations Promotion in Sea Fishing Operation” was established by Thai Government on 19 February 2018, comprising representatives from both Thai and international organizations and NGOs, such as the Environmental Justice Foundation, Human Rights Watch and ILO to make the necessary measures and recommendations to promote labor relations in sea fishing operations in accordance with Thailand’s international obligations. A proposal to establish at least 22 provincial networks, of sea fisheries workers in every coastal province of Thailand has been approved, and it consists of representatives of employees (both Thai and migrant) from each fishing vessel, as well as representatives from the Fisheries Association of Thailand, government agencies and NGOs who act as consultants. The confirmation of first five pilot coastal provinces marked the first step towards acknowledging the organization of employees within the fisheries sector.⁷⁸ Further, Thailand is in preparation for ratifying process of the ILO Right to Organize and Collective Bargaining Convention 98 by September this year and in the process of drafting the Labor Relations Act B.E. ... and the State Enterprise Labor Relation Act B.E. ...allowing migrant workers to become members of labor unions.⁷⁹ Apart from these, Iris scan system and the one stop service center set up to facilitate the registration of migrant workers.⁸⁰

As the response to the EU IUU “yellow card”, it is obvious that the radical reformation has happened in its legal framework, implementing measures and international commitments etc. almost every dimension of Thai fisheries sector. And the reform is continuing to progress to combat IUU fishing and solve labor issue. For this regard, cooperating level of Thailand is high, keeping modifying the problems notified by the EU mentioned in the Commission Decision (2015). Additionally, there are so many similarities between reformed structures of the Thai fisheries sector and the EU fisheries management and control measures, which also reflects to some extent that the EU exported its IUU Regulation to Thailand is successful. Although the “yellow card” still remains to Thailand but the prospect of delisting is bright and at least no sign to get “red card” so far.

⁷⁷ “Highlight of Progress: Control of Overseas Fishing and Transshipment Vessels”. Royal Thai Embassy Brussels , 6 March 2017. (<https://www.thaiembassy.be/2017/03/06/highlight-of-progress-control-of-overseas-fishing-and-transshipment-vessels/?lang=en>)

⁷⁸ “Press Release: Thailand Joins Hands with NGOs Establishing Labor Network in Sea Fisheries Sector”. Ministry of Foreign Affairs, Kingdom of Thailand, 9 March 2018. (<http://www.mfa.go.th/main/en/news3/6886/87205-Thailand-Joins-Hands-with-NGOs-Establishing-Labour.html>)

⁷⁹ Ibid.

⁸⁰ “MFA Press Release: Prime Minister led the Cabinet to Visit Samut Sakhon Province for a Follow-up Session to Address Illegal Fishing and Labor in the Fisheries Sector”. Royal Thai Embassy Brussels, 11 March 2018. (<https://www.thaiembassy.be/2018/03/11/mfa-press-release-prime-minister-led-the-cabinet-to-visit-samut-sakhon-province-for-a-follow-up-session-to-address-illegal-fishing-and-labour-in-the-fisheries-sector/?lang=en>)

4.4 Aftereffects of the Yellow Card

In the wake of the deep reform of Thai fisheries sector, unavoidably, aftereffects should also be analyzed to evaluate the impact of the EU “yellow card”.

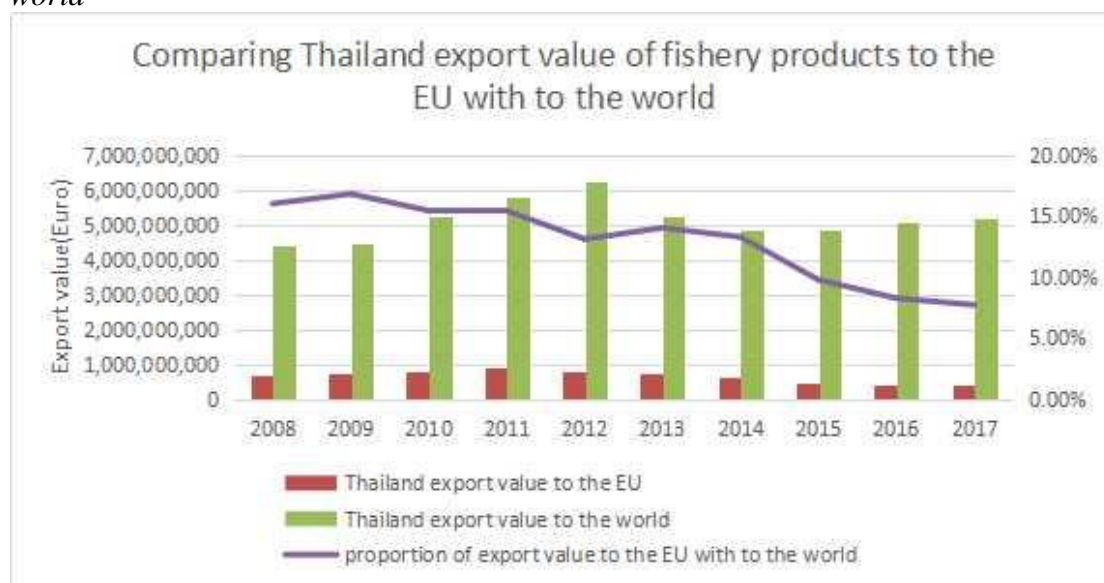
Virtually, from the Fig.5 above, it can already be observed that the proportion of exported fishery products in Thai economy has declined in recent years. The change shows the proportion of exported fishery products value to the export value of whole goods from the peak of 4.05% in 2009 falling yearly and down to 2.48% in 2017. The proportion of export value of fishery products to Thai GDP also began to drop year by year after 2011, the disparity between 2011 and 2017 is 0.72%. Although the value of exported fishery products to the EU market accounting to Thai GDP fluctuated, the whole trend was still decreasing as well.

The reason, despite “the decline of fish stocks in Thai territorial water combined with reduced fishing area through the loss of rights of access to third countries waters...” mentioned in the Commission Decision (2015) before the “yellow card”, also links to the fisheries management and the control of fishing capacity after the IUU card.

Royal Ordinate of Fisheries refers explicitly to the issuance of new vessel licenses was restricted under MSY. In the interview, an official from Thai relevant department indicated before 2015, the number of commercial vessels was 17,500, among which about 6,500 were investigated illegal later and forced went out of the market. Since 2015 till now, upon the newest register information, 11,000 commercial vessels left. And three licenses involved two department should be held by these vessels, which also bring difficulty to new issuance. Moreover, the fishing days at sea of the vessels are also limited by the government through PIPO record. The critical reason, therefore, since 2015, should ascribe to the drastic deduction of commercial vessels, limited fishing time at sea and introducing MSY based on scientific analysis and data collection.

The preference of exported destination for Thai fisheries also has a minute aviation. In Fig.6, there is a distinct drop in the export value of Thai fishery products to the EU market between 2014 to 2015, from 642 million to 476 million Euro. After 2015 or “yellow card” from the EU, in the following two years, this tendency becomes manifest comparatively. The value of exporting to the EU keeps falling but exporting to other countries in the world has increased. And by comparing the export value of Thai fishery products to the EU with it to the world, the proportion is apparently down. However, this trend did not change the fact that is so far the EU is still the number one destination of Thai fishery products exporting.

Figure 6 Comparing Thailand export value of fishery products to the EU with to the world



Source: own elaboration

Data source: Eurostat international trade; ITC trade map

4.5 Evaluation from Thai Interior

Interviews were conducted to evaluate the impact of the EU IUU card from the perspectives of the Thai interior directly. The interviewees include officials from relevant departments of Thai government and supervisors in charge of relative issues from private companies standing for the opinions from official and private sides respectively.

Basically, the whole stance of interviewees concerning the “yellow card” is positive. An interviewee even expressed if without the EU IUU card, the reform of Thai fisheries sector would not begin so fast. Similarly, another interviewee also said in the past, the government was not without attempt to modify but every time once stimulating protesters against and had to suspend. IUU card made the government determined to overhaul the whole fisheries sector.

When talking about the impact, the following aspects were noticed by them. Direct suffered interest stakeholders are the owner of commercial vessels and of seafood processing plants, and fishermen.

As mentioned previously, at least 6500 vessels had been cleaned out of business, for those vessel owners, they have to face the loss of their money earning tools. For the owners of the rest vessels, their catches have been strictly controlled by fishing time, fish size, legal fishing and legal workers etc., which also result in reeducation of income comparing exorbitant profit through arbitrary illegal fishing and low cost of illegal labors in the past. The business scale of seafood processing plants also affected because of the cost of fish, of the traceability of feed powder(made of fish and related to labor forced vessels issue) for shrimp, and of the labor welfare though, among them, most

fishery resources of the fishery factories are depend on importation, eliminating of illegal migrant labors on the vessels and their plants as well as improve working conditions and welfare all increased their cost and unavoidably for all the related companies. Unemployment rate of fishermen increased as the shrink of the number of the vessels and business scale of the plants though much bigger unemployment rate concentrated on migrant labors who mostly were illegal workers in the sector before. Thus it is unsurprisingly why a demonstration of fishermen happened in National Fisheries Day last year against the “yellow card” and Thai Fisheries Association chairman even claimed that IUU regulations had destroyed the Thai fishing industry.⁸¹ However, just as an official said changing the mindset of these groups is one of the most difficult tasks in the reform, it still needs time for them to understand long-term benefit not only for themselves but also for their next generations because even if the reform did not happen now, their profits already began to lost yearly by exhausting marine resources. However, the balance between the reform and social, financial, environmental aspects also should be taken highly into consideration by the authorities during the process.

Interviewees also indicated the price of sea fish has increased, the price of Mackerel, say, raised threefold.

Regarding to the labor issue, which is excluded in the IUU Regulation but associated with “yellow card” to the dialogue between the EU and Thailand, they thought it is understandable. The problems of slavery labor, child labor and labor abuse existed in the fisheries sector, it cannot be ignored or denied and put aside to say it is not a part of illegal fishing, reforming the whole industry also needs to include solving this unacceptable part. More than mentioned protecting measures for labors formerly, some details also added by them, for example, replacing working through brokers previously by contracting with vessels owners directly now and stipulating accurately the wage and the working time etc., the salary payment changing from cash to banks as banks can offer transaction evidence for workers. One interview told further cooperation with the EU on labor issue is undergoing.

High appraisal was put on the reform of the fisheries sector after “yellow card” by both official and private sides. All these modifications saved the reputation of Thai fisheries, under the situation that increases new business partner countries is difficult, did not, at least, lose any existing partner countries, and explained by an official. The representative from a famous seafood company in Thailand also suggested that they are happy to see the change of the whole sector and welcome their company increasing obligations in line with the reform, which could even become an opportunity for them to be a leading role in the sector and attract more business partners in the future. Additionally, Seafood Task Force, a private companies association, was established in 2015 to lead Thailand’s seafood supply chain towards a more sustainable pathway while supporting the monitoring, control and surveillance capability developing and improving from private companies side. Further, the sign of restoring fish resources already begins to unfold, an official shared his experience in the interview of some fishermen in the early of this year. The fishermen who live in coastal villages told him

⁸¹ “Nationwide protest against EU fishing regulations”. The Nation, 21 November 2017. (<http://www.nationmulti-media.com/detail/national/30327309>)

the fish they caught this year are bigger in size and more in amount comparing the same time of previous years.

4.6 The Essence of the EU's Motivation and Instruments of Extending IUU Regulation

In the interviews, besides above interior voice about the impact of “yellow card”, there are several questions concerning their understandings on the EU IUU Regulation extending. The answers are helpful to comprehend why the EU emphasizes legal fishing so that gave warning to Thai fishery products or what could be gained by this behavior from the EU standpoint.

The answers could be summarized as fair trade and responsible trade, customer-driven decision, a model for other ASEAN countries.

The extravagant profits from IUU fishing distorted competition and put honest fishers at an unfair disadvantage. The irresponsible behavior is also destroying marine ecosystems and coastal communities. The EU customers call on obligated products highlighted environment friendly, resources sustainable and human rights protecting and refuse to buy products neglected obligations from IUU fishing or dehumanizing businesses, which drives EU companies to be discreet to choose cooperating partners to import fishery products. At the same time, their demand also pushes the EU making its stand and taking actions to reject the entering of irresponsible fishery products from third countries. This point could also explain why Thailand felt the pressure from the EU institutes on the Thai government and at the same time from the EU partner companies on the Thai private companies. By doing so, the EU could also influence the other ASEAN countries through Thailand as a model to combat IUU fishing and human rights violation, which is the EU expected to see.

Theoretically, two terms could be introduced here to explain the essence of the EU motivation and its instruments of extending its IUU Regulation: Market Power Europe (MPE)⁸² and Normative Power Europe (NPE)⁸³. The motivation, according Damro's MPE, could be understood as the externalization of the EU market-related policies and regulatory measures, relying on its market threat and attraction, by using positive conditionality or negative conditionality as its tools. The same to influence the behavior of others, dissimilarly, NPE emphasize ideational impact of projection of the EU's core and minor norms, depending on their legitimacy, by extending instruments including contagion, informational diffusion, procedural diffusion, transference, overt diffusion and cultural filter. Either MPE or NPE is a facet of the EU's identity or international actor, in this case, no matter from its motivation or diffusing instruments, it is difficult to separate them because Thailand case is unique which was tangled by the IUU Regulation with its labor issue. In Thailand IUU card case, the EU exported its IUU Regulation, an EU market-related policy, and expected Thailand to establish a similar system, which belongs to its MPE. Simultaneously, the EU extended to Thailand the respecting for human rights, one of EU core norms according to Manners' NPE, and sustainable development as well as good governance, which are minor norms of NPE, awaiting an alteration to concepts and practices of Thailand as well. Regarding diffusing instruments, obviously, the main approach is “red card” thread, or other

⁸² Damro, op. cid..

⁸³ Manners, op. cid..

words, implementing embargoes and boycotts namely negative conditionality of MPE. The instrument is effective in that Thailand responded as the EU's expectation just as the interviewee said the EU IUU card was the fuse for Thailand to overhaul its fisheries industry and the fact also stated Thailand got an EU alike scheme on combating IUU fishing after reform. Besides, the legitimate of the norms itself of the EU defined by NPE, which were transmitted through dialogues and technical consultation such as conferences and officials training by sending experts (i.e. political learning or "cultural filter" of NPE), is also extremely significant, especially for maintaining the reformed behaviors. Evidence could be observed from that all interviewees have confidence that Thailand will continue combating IUU fishing and protect labor rights with or without the EU intervention. An official believes no matter what the EU next decision for Thailand IUU card is, the measures of IUU free and human trafficking free in Thailand won't stop. A representative of private companies also said his company is approaching the higher standard more than the government stipulated or the EU required. The influence is sustaining and perhaps extending much further, in the light of the press release by Thai government recently, "Thailand will be relentless in its effort to combat IUU fishing to reach the target of being an IUU-free country as well as to create a sustainable fisheries sector in parallel with its effort to solve the labor issues within the fisheries sector. Thailand is ready to take a leading role in the combat against IUU fishing in the region and has already pushed forward the idea of "ASEAN Common Fisheries Policy." Thailand will also call for strengthening of ASEAN cooperation to prevent and combat the IUU fishing when it assumes ASEAN chairmanship in 2019..." said by the deputy prime minister of Thailand.⁸⁴ In a short, as to the diffusing instruments, MPE is valid to get immediate response from Thailand and NPE is functional for maintaining the influence and even reaching finally total internalization of the EU norms.



⁸⁴ "Press Release: Members of the European Parliament's Committee on Fisheries Paid a Courtesy call on General Chatchai Sarikulya, Deputy Prime Minister". Ministry of Foreign Affairs Kingdom of Thailand, 1 January 2018. (<http://www.mfa.go.th/main/en/news3/6886/90001-Members-of-the-European-Parliament%E2%80%99s-Committee-on.html>)

CHAPTER 5 CONCLUSION

The thesis discussed the EU, as a global actor, in fisheries field, especially its IUU Regulation and its impact on third countries during last decade (2008-2018). The questions, how the EU, as an international actor, exports its fisheries policy, what instruments it applies, why they could be put attention by others, what impact arisen in third countries and what are the essences of the EU's motivation and instruments, were argued in the thesis. To answer these questions, documentary analysis, statistical analysis and interviews had been conducted.

Under its new CFP, the EU externalizes its sustainable fishing policy and mechanism, namely, fisheries management, fisheries control and IUU Regulation etc. to vertically international organizations and horizontally RFMOs, bilateral agreement countries and third countries during last decade. Among them, bilateral agreement countries, especially its sustainable fisheries partnership agreements countries, are easier to be impacted by the EU because when receiving financial and technical support from the EU, they have to accept EU protocols to respect resources conservation, environmental sustainability and human rights. For RFMOs and even international organizations, more or less, the EU can export its norms along with supplying technical advice, annual proposals, budgets and so on. For third countries, the most obvious instrument is the EU IUU Regulation and its "card scheme".

The thesis has further explored whether the EU has been successful and what are the consequences of its intervention, using the EU IUU Regulation as a crucial instrument. The research finding suggested that considering its unilateral characteristic of the "card scheme" of the EU IUU Regulation, extending of the EU's influence on third countries in fisheries works or not seems uncertain, which mainly lies on how important the EU market is for their fisheries industries. Briefly, the huge demand and yearly increasing amount of fishery products imported by the EU market makes its standards and requirements in this field non-neglectful, however, if the fishery exportation of a country does not rely on the EU market at all, there is a high likelihood that the country would ignore the EU IUU Regulation. The countries on the EU IUU "black list" are practical examples. Facing the possibility of banning on importation of any fishery products, most listed countries, whose fishery products export, more or less, to the EU market, chose to cooperate with the EU and accept its suggestions.

Thailand is used as an example to answer the question of the impact in third countries. Unlike other single channel researches, despite economic statistics observation, the thesis also analyzed the essence of the EU's motivation and instruments through political science theories (MPE and NPE) to explain how the EU has tried to insert its role as a global actor.

Among the "yellow card" countries, Thailand is a unique case, which was tangled by IUU fishing and labor issue in its fisheries sector simultaneously. The impact is profound, as the beginning of the reform, the "yellow card" fueled the overhaul of the Thai fisheries sector. A set of new laws, policies and measures not only aims at combating IUU fishing and labor rights violating but also focus on sustainable fisheries management by controlling catch amount and reducing overfishing and overcapacity,

which also to a large extent meets the EU expectations according to the problems defined when put the “yellow card” to Thailand in 2015. The reform induced the reduction of export value of Thai fishery products and a slight change on the trend of preference of exporting destination. Additionally, although triggered some unsatisfied response from interest affected stakeholders, the key roles of the reform: the authorities level and private companies level are happy to see the change of the sector and have confidence to solve labor issue thoroughly and push IUU free Thailand.

The driving factors for the EU to extend its IUU Regulation to Thailand could be fair and responsible trade, the callings of EU customers and the model for other ASEAN countries. However, the essence of the motivation and diffusing instruments of the EU in Thailand case, theoretically, both MPE and NPE are involved to explain in that Thailand case is unique, whose IUU fishing issue is tangled with its violation of labor rights issue. By using the threat of the EU market to export its IUU Regulation, the EU gave “yellow card” induced the reform of the Thai fisheries sector, which could be explained by Damoro’s MPE. Meanwhile, exporting its norms of respecting human rights and good governance through dialogues and consultations after the “yellow card”, which belongs to the definition of Manner’s NPE, the EU expects to see internalization of these norms by Thailand. Currently, various clues show that the impact of extending the EU IUU Regulation to combat IUU fishing plus eliminating labor trafficking will sustain and be internalizing by Thailand. It is worth looking forward, in the near future, after it is removed from the EU IUU list, Thailand will become a successful model and leading role of IUU free and human trafficking free state to influence other ASEAN countries which have the similar problems in their fisheries.

Cooperation with other big economy entities or organizations is also an effective way when exporting EU norms, which is not in detail discussed in the thesis but, actually, while the EU is using IUU card and dialogues etc. approaches to urge Thailand to change, the US, ILO and so on are also pressuring Thailand on its labor rights issue.

To reflect on the EU’s role as global actor, the thesis has made another interesting observation that the EU devotes itself to improve global marine resources management and conservation meanwhile the EU standards on fisheries are already regarded as a reliable criterion by more and more third countries and applied into their fisheries industries. Especially on the IUU Regulation exporting in Thailand, which could be seen as a successful case, the EU gains high reputation on combating global illegal fishing and plays an increasingly important role on the issue as an international actor. Although more cases study of the impact for listed third countries are needed to support, it is still reasonable to believe, the EU could also have capability, by similar way, to intervene and arouse changes of other unacceptable behaviors of third countries more than IUU fishing.

For other third countries, the externalization of the EU IUU Regulation also implies the global trend to eliminate IUU fishing in international trade, to protect global marine resources and to move towards a more sustainable and ethical fisheries. The EU is the leading role on this currently so third countries now perhaps feel pressures mostly from it, however, predictably, in the near future, similar regulations to ban every IUU fishing product will be formed and implemented among other significant fishery products importing countries. If no changes happen now, especially those third countries who

are still on the “black list”, the possibility to loss more and more business partner countries are unavoidable.

In terms of the difficulties and challenges during the research, taking Thailand case study as an example, data accessing and appropriated interviewees seeking are time consuming. As the study of IUU fishing topic in South Asia is comparatively new, the academic articles related to it is quite limited and experts of it is also uneasy to find. Moreover, language is the biggest barrier, which needs to be tackled when collecting secondary data and conducting interviews. There are quite amount of data only published in Thai. And several data are inaccessible to the public so that the only way to know is to find the relevant officials and conduct interviews. However, finding appropriate interviewees is another challenge, which needs to consider the possibility of agreeing and language barriers as well which could influence the accuracy of interviewees’ perspectives.

Ultimately, in order to fulfill the study of exporting of the EU IUU Regulation to third countries, other case studies of the third countries on the EU IUU list should be encouraged to track the interior changes of their fisheries industries, especially those who are still on the “black list”. Questions like whether their annual catches affected or not, whether their export value of fishery products impacted or not, or whether they begin to feel pressures from other big economies except the EU is worth to analyzing as a part of the impact of the EU IUU card. Moreover, it might be worth exploring linkages of the EU’s roles and strategies applied in putting pressures and negotiations with different third countries in the region involving in the EU card system if these strategies aim to strengthen a global role of the EU in marine and fisheries field. Additionally, to support further researches of the EU’s role in third countries, the subjects also needn’t to be restricted in fisheries, the conceptual model and methodology of this thesis could be applied to analyze other fields as well.

REFERENCES

- "2015-04-Tackling-Iuu-Fishing_En.Pdf." Last modified Accessed April 2018.
https://ec.europa.eu/fisheries/sites/fisheries/files/docs/publications/2015-04-tackling-iuu-fishing_en.pdf.
- "Bilateral Agreements with Countries Outside the Eu." Last modified Accessed April 2018. https://ec.europa.eu/fisheries/cfp/international/agreements_en.
- "Discarding and the Landing Obligation." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/discards_en.
- "Eliminating Illegal, Unreported and Unregulated Fishing." Last modified Accessed April 2018. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:pe0005&from=EN>.
- "The Eu's Fisheries Control System." Last modified Accessed April 2018.
https://ec.europa.eu/fisheries/cfp/control_en.
- "Fisheries Sector: Data Collection." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/data_collection_en.
- "Fishing Effort." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/fishing_effort_en.
- "Fishing Quotas." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/tacs_en.
- "Illegal-Fishing-Overview-of-Existing-Procedures-Third-Countries_En.Pdf." Last modified Accessed April 2018.
https://ec.europa.eu/fisheries/sites/fisheries/files/illegal-fishing-overview-of-existing-procedures-third-countries_en.pdf.
- "Multi-Annual Plans." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/multi_annual_plans_en.
- "Point System for Serious Infringements." Last modified Accessed April 2018.
https://ec.europa.eu/fisheries/cfp/control/infringements_sanctions/point_system.
- "Scientific Advice on Managing Fish Stocks." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/scientific_advice_en.
- "Technical Measures." Last modified Accessed 20 April 2018.
https://ec.europa.eu/fisheries/cfp/fishing_rules/technical_measures_en.

"Who Does What?" Last modified Accessed April 2018.

https://ec.europa.eu/fisheries/cfp/control/who_does_what_en.

Press Release: Members of the European Parliament's Committee on Fisheries Paid a Courtesy Call on General Chatchai Sarikulya, Deputy Prime Minister. Ministry of Foreign Affairs Kingdom of Thailand, 1 January 2018.

Press Release: Thailand's Reform of Fishing License Regime. Royal Thai Embassy Brussels, 1 March 2016.

Cccif Press Release: Thailand's Progress in Combating Iuu Fishing. Royal Thai Embassy Poland, 2 February 2016.

Highlight of Progress: Control of Overseas Fishing and Transshipment Vessels. Royal Thai Embassy Brussels, 6 March 2017.

Consolidated Version of the Treaty on the Functioning of the European Union. EU, 7 June 2016.

"Answer to a Written Question - Iuu Fishing and Labor Slavery in Thailand - E-008916/2015." Last modified 8 September 2015 Accessed.

<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2015-008916&language=EN>.

Press Release: Thailand Joins Hands with Ngos Establishing Labor Network in Sea Fisheries Sector. Ministry of Foreign Affairs, Kingdom of Thailand, 9 March 2018.

Mfa Press Release: Prime Minister Led the Cabinet to Visit Samut Sakhon Province for a Follow-up Session to Address Illegal Fishing and Labor in the Fisheries Sector. Royal Thai Embassy Brussels, 11 March 2018.

Mfa Press Release: Thailand Accedes to the Fao Agreement on Port State Measures. Royal Thai Embassy Brussels, 11 May 2016.

"Com/2011/0424 Final, Communication from the Ec to the Ep, the Council, the Eesc and the Committee of the Regions on the External Dimension of the Cfp." Last modified 13 July 2011. Accessed. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52011DC0424>.

P8_Ta(2015)0343, Situation in Thailand, European Parliament Resolution of 8 October 2015 on the Situation in Thailand(2015/2875(Rsp)). 17 October 2017.

Highlights of Thailand's New Fisheries Legislation. Royal Thai Embassy Brussels, 18 November 2015.

Nationwide Protest against Eu Fishing Regulations. The Nation, 21 November 2017.

- Mfa Press Release: Thailand's Accession to the Southern Indian Ocean Fisheries Agreement (Siofa)*. Royal Thai Embassy Brussels, 27 April 2017.
- Mfa Press Release: Thailand Acceded to the Un's Fish Stock Agreement*. Royal Thai Embassy Brussels, 28 April 2017.
- Regulation(Eu) No 1380/2013 of the European Parliament and of the Council of 11 December 2013*. 28 December 2013.
- Commission Decision of 21 April 2015 on Notifying a Third Country of the Possibility of Being Identified as a Non-Cooperating Third Country in Fighting Illegal, Unreported and Unregulated Fishing*. 29 April 2015.
- Council Regulation(Ec)No 1005/2008*. 29 October 2008.
- Commission Regulation (Ec)No 948/2009. Amending Annex I to Council Regulation (Eec) No 2658/87 on the Tariff and Statistical Nomenclature and on the Common Customs Tariff*. 31 October 2009.
- Agüero, Max. *Review of the State of World Marine Capture Fisheries Management: Pacific Ocean*. Food & Agriculture Org., 2007.
- Barnes, Cassandra and Katherine W McFadden. "Marine Ecosystem Approaches to Management: Challenges and Lessons in the United States." *Marine Policy* 32, no. 3 (2008): 387-92.
- Barnett, Michael and Raymond Duvall. "Power in International Politics." *International organization* 59, no. 1 (2005): 39-75.
- Botsford, Louis W, Juan Carlos Castilla, and Charles H Peterson. "The Management of Fisheries and Marine Ecosystems." *Science* 277, no. 5325 (1997): 509-15.
- Brundtland, Gro Hariem. "World Commission on Environment and Development." *Environmental policy and law* 14, no. 1 (1985): 26-30.
- Caddy, John F and Kevern L Cochrane. "A Review of Fisheries Management Past and Present and Some Future Perspectives for the Third Millennium." *Ocean & coastal management* 44, no. 9-10 (2001): 653-82.
- Chaban, Natalia, Annick Masselot, and Katharine Vadura. *Introduction. Asia-Europe Dialogue on Norms: Revisiting the Role of Norm-Receivers in the Conceptualisation of the 'Normative Power Europe'*. Springer, 2015.
- Chahri, Irina Popescu and Samy. "Illegal, Unreported and Unregulated (Iuu) Fishing." Last modified 27 November 2017. Accessed.

<https://epthinktank.eu/2017/11/27/illegal-unreported-and-unregulated-iiu-fishing/>.

- Charles, Anthony T. "Fishery Conflicts: A Unified Framework." *Marine Policy* 16, no. 5 (1992): 379-93.
- Curtin, Richard and Raúl Pallezo. "Understanding Marine Ecosystem Based Management: A Literature Review." *Marine Policy* 34, no. 5 (2010): 821-30.
- Damro, Chad. "Market Power Europe." *Journal of European Public Policy* 19, no. 5 (2012): 682-99.
- Diez, Thomas and Ian Manners. "10 Reflecting on Normative-Power Europe." *Power in world politics* 173 (2007).
- Hill, Christopher. "Cheques and Balances: The European Union's Soft Power Strategy'." *Soft Power and US Foreign Policy: Theoretical, Historical, and Contemporary Perspectives*, London: Routledge (2010): 182-98.
- Laxe, Fernando González, Federico Martín Bermúdez, Federico Martín Palmero, and Isabel Novo-Corti. "Governance of the Fishery Industry: A New Global Context." *Ocean & coastal management* 153 (2018): 33-45.
- Manners, Ian. "Normative Power Europe: A Contradiction in Terms?" *JCMS: Journal of common market studies* 40, no. 2 (2002): 235-58.
- Manners, Ian. "The European Union's Normative Power: Critical Perspectives and Perspectives on the Critical." In *Normative Power Europe*, 226-47: Springer, 2011.
- Mart, Carmen-Paz. "The Common Fisheries Policy: Origins and Development." Last modified Accessed January 2018.
http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_3.3.1.html.
- Nicolson, James R. *Food from the Sea*. London: Cassell, 1979.
- Orbie, Jan. "Promoting Labour Standards through Trade: Normative Power or Regulatory State Europe?" In *Normative Power Europe*, 161-84: Springer, 2011.
- Sitthitool, Ruksith. *Thai Cccif Sign Mou to Eliminate Iuu Fishing and Human Trafficking*. Thai Tribune, 17 January 2016.
- Zeitlin, Jonathan. *Extending Experimentalist Governance?: The European Union and Transnational Regulation*. OUP Oxford, 2015.



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APPENDIX

- Interview Questions for Government Group

1. Was Thai fisheries industry influenced by “IUU card” severely as to the whole industry business scale, the number of processing plants, unemployment rate of the industry, the price of the fishery products and the preference of exporting destinations?

2. In the dialogue, the EU also claimed labor rights (e.g. labor trafficking, labor condition and child labor) in fishing and processing procedures, which is not included in IUU Regulation, do you think the slavery issue had any impact on the Thai fishery industry? Do you think the EU deliberately try to link the slavery issue and IUU to pressure Thailand? In the coming dialogue, is it still a big issue involving “yellow card” removal?

3. Thailand got IUU fishing “yellow card” from the EU in 2015 with the complaint of Thailand’s irresponsibility as coastal country, flag state and processing market, near three years now, does Thailand finish all the EU suggested modification? What do you think the EU wanted to achieve with this? And what did actually the EU achieve with this?

4. Did Thai authority balance the social, environmental and financial aspects when followed the EU requirements to reform Thai fisheries industry? How did Thai government cooperate with private business, commercial vessels and workers to eliminate IUU fishing in Thailand?

5. Whether Thailand, under the EU’s promotion, signed more international or regional fisheries conservation commitments?

6. In addition to “IUU card”, does Thailand get any other pressures or positive conditions from the EU as well as other countries or communities to make those changes?

7. Does the EU aid the Thailand to improve the fisheries industry from the technical level and social compensation level as well?

8. Are there any positive influence on environment or other areas could be found relate to the changes due to IUU card?

9. At 21, September,2017, Thailand fishermen demonstrated against EU fishing regulations and Thai Fisheries Association chairman claimed that IUU regulations had destroyed the Thai fishing industry over the past two years. Do you agree with that? What do you think the reason behind this?

10. Do you find any insufficient aspects that IUU card from the EU is hard to reach? Do you have any suggestions for Thai authority, the EU or other ASEAN countries?

- Interview Questions for Business Group

1. After Thailand got IUU fishing “yellow card”, what aspects did Thai companies in fisheries industry have to modify to fulfill EU requirement? Did those requirements have deadline to finish? What do you think the EU wanted to achieve with this? And what did actually the EU achieve with this?

2. Since Thailand got IUU fishing “yellow card”, it has been about three years now. Was the whole industry business scale affected by it during past years? Did the cost of fishery products increase?

3. The EU also claimed labor rights (e.g. labor trafficking, labor condition and child labor) in fishing and processing procedures, which is not included in IUU Regulation, do you think the slavery issue had any impact on the Thai fisheries industry? Did the slavery issue impact the business in any way? Do you think the EU deliberately try to link the slavery issue and IUU to pressure Thai fisheries industry?

4. Were any private associations established relevant to fighting against IUU fishing affairs after “yellow card”?

5. Did the EU give any supporting programs or aids to help Thai companies to implement EU requirements?

6. Did those changes bring any inconvenience to the business?

7. Whether business partners, for example fishermen, commercial vessels, other countries companies, complained those changes?

8. Does the “yellow card” have any good or bad influence to your business?

9. At 21, September,2017, Thailand fishermen demonstrated against EU fishing regulations and Thai Fisheries Association chairman claimed that IUU regulations had destroyed the Thai fishing industry over the past two years. Do you agree with that? What do you think the reason behind this?

10. Do you have any suggestions for the EU and Thai authority in terms of spurring companies to cooperate to eliminate IUU fishing products?



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